

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BUREAU OF LAND MANAGEMENT  
  
CALIFORNIA DESERT DISTRICT  
  
ADVISORY COUNCIL MEETING

LOCATION: MIRACLE SPRINGS HOTEL AND SPA  
Desert Hot Springs, California  
  
DATE  
AND TIME: September 8, 2001  
8:15 a.m. - 6:04 p.m.  
  
REPORTED BY: Sonja Chernick, CSR  
CSR No. 11504  
  
JOB NO.: 58637

1 A P P E A R A N C E S

- 2 RANDY RISTER  
3 Wildlife
- 4 PAUL SMITH  
5 Public-at-Large
- 6 JON MC QUISTON  
7 Elected Official
- 8 MARILYN BEARDSLEE  
9 Transportation/Right-of-Way
- 10 TIM SALT  
11 BLM District Manager  
12 California Desert District
- 13 ROY DENNER  
14 Recreation
- 15 RON KEMPER  
16 Renewable Resources
- 17 JIM REDDY  
18 Nonrenewable Resources
- 19 WALLY LEIMGRUBER  
20 Elected Official
- 21 DENNIS CASEBIER  
22 Public-at-Large
- 23 BILL BETTERLEY  
24 Public-at-Large
- 25 BOB ELLIS  
Environmental Protection

1	I N D E X	
2	TOPIC	PAGE
3		
4	Opening Remarks	3
5	Council Member Reports	15
6	District Managers' Report	44
7	Public Comment (non-agenda topics)	61
8	Field Manager Reports	109
9	Desert Tortoise Presentation	163
10	Preparation of Draft Imperial Sand Dunes Recreation Management Plan	261
11	Draft Coachella Valley Multiple-Species Habitat Conservation Plan	293
12	Proposed Fort Irwin Expansion	337
13	Proposed Cadiz Groundwater Storage & Dry-Year Supply Program	371
14	Public Comment	378
15	Meeting Summary	399
16	Adjourn Meeting	401
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 DESERT HOT SPRINGS, CALIFORNIA; SEPTEMBER 8, 2001

2 8:15 A.M.

3 -000-

4

5 MR. DENNER: My name is Roy Denner. Our  
6 chairperson Ilene Anderson had a last-minute  
7 illness in the family. Being vice chair, the  
8 honor of running this meeting comes to me.

9 I want to start off by saying that  
10 chairing the meeting is a little difficult  
11 situation for me because I'm very vocal about the  
12 issues that I'm involved in, as many of you  
13 already know.

14 So I'm going to do my best to make it  
15 clear when I'm speaking as chair of the council  
16 versus when I'm speaking as the recreation  
17 representative on the council.

18 The best way I can find to do that is I  
19 have two hats. When I have this hat on, I'm  
20 speaking as chairman of the council. This is my  
21 Imperial Sand Dunes TRT hat. When I'm serving in  
22 that capacity, I'm serving as a BLM kind of  
23 person.

24 And when I'm speaking as a recreation  
25 representative, I'm going to wear this hat. And I

1 want to call attention to the fact that I'm  
2 wearing this hat specifically because it has a  
3 badge up here for the equestrian group that I  
4 belong to that I ride with. So I'm not just the  
5 OEC guy. I'm a recreation representative. I'm  
6 interested in more than just OEC interests.

7           So I'll try to switch these hats around  
8 as the occasion calls so you know whether I'm  
9 speaking for my constituency or whether I'm  
10 speaking as chair of the organization. The  
11 reporter might make a note of that, that I have  
12 two hats on.

13           Okay. I'll start out as chair. We'll  
14 take a look at our agenda here. I think I've  
15 already made my opening remarks. We probably  
16 ought to stand and pledge allegiance.

17           (Pledge of Allegiance.)

18           For the benefit of those of you who do  
19 not have an agenda, I'm going to very quickly run  
20 through the agenda items so you know kind of when  
21 and where we'll be talking about various items.

22           We're going to start with council member  
23 reports. That's the way we normally start, our  
24 DAC members. So each of the people who haven't  
25 been in attendance before know what we're all

1 about. Then we'll take our district manager  
2 reports.

3           There are five district managers?

4           MR. SALT: One district manager and five  
5 field managers.

6           MR. DENNER: I'm sorry. I'm getting  
7 ahead of myself. There's only one district  
8 manager, and that's Mr. Tim Salt right here.  
9 We'll have his report. The field managers come  
10 later.

11           Then we're going to open the agenda to  
12 public comment. And I want to make it clear that  
13 the public comment, this is not your only  
14 opportunity for public comment.

15           This is an opportunity for public comment  
16 on items that are not specifically on the agenda.  
17 You'll obviously have a chance to make your  
18 comments on the agenda items as well when the  
19 items come up.

20           Then we're going to have a short break.  
21 Then we will have the field manager reports. Then  
22 we're going to have a discussion by  
23 Dr. Kristin Berry regarding the desert tortoise  
24 and the status of the tortoise problem of the  
25 California desert district.

1           Then we're going to break for lunch.

2   Then we're going to have a discussion after lunch

3   about the proposed Fort Irwin expansion and what

4   it means to the environment and the California

5   desert district.

6           Then we're going to talk about the

7   Coachella Valley multiple-species habitat

8   conservation plan, a plan designed to protect

9   endangered species in the Coachella Valley.

10          Then we'll have another break this

11   afternoon. Then we have a representative from the

12   BLM in El Centro to talk about the draft of the

13   Imperial Sand Dunes Recreation Management Plan

14   which is under way.

15          Then we're going to have a discussion

16   about the proposed Cadiz ground storage project.

17   We'll also then have public comments and a meeting

18   summary. And that will be the extent of the day.

19   It's a pretty full agenda. We're going to be

20   pretty busy, I think.

21          Tim, do you have anything to add to

22   that?

23          MR. SALT: Not relative to the agenda,

24   no.

25          MR. DENNER: The next item we're supposed

1 to do here is to schedule our future meetings. I  
2 think we already have the next one scheduled in  
3 December.

4 MR. SALT: November.

5 MR. DENNER: November. That's what I  
6 said, November.

7 MR. SALT: December?

8 MR. DENNER: December. Everybody has  
9 that clear? Bob?

10 MR. ELLIS: Could we talk about the  
11 meeting after that? I'd like to schedule that.

12 MR. DENNER: I don't see why not.

13 MR. KEMPER: In the past, the BLM always  
14 gave an announcement of when the first meeting  
15 would be after the new council members have been  
16 appointed. We didn't schedule the first meeting  
17 in the year. The district manager sent out a  
18 notice. That's just the way it's been in the past  
19 anyway.

20 MR. SALT: Yeah, that is true. Since all  
21 the council members are actually appointed by the  
22 secretary, once we submit the nominations to the  
23 secretary, it takes a period of time for those  
24 nominations to clear and we have a full council  
25 and they have a meeting.



1           The way things have been going so far in  
2 terms of department of review on things, I  
3 wouldn't anticipate a quick turnaround on those  
4 nominations.

5           I guess what I would propose is that we  
6 select a date as a target date. And, you know,  
7 we'll keep you posted as to whether or not we're  
8 going to get the positions filled and go from  
9 there.

10          I would propose a target date. And I  
11 think the earliest we could probably expect the  
12 council to be filled and also have the opportunity  
13 to have the appropriate public notice for the  
14 meeting would be late February or early March. So  
15 that's what I would propose as the time frame that  
16 we look at.

17          MR. DENNER: Any other council members  
18 have a comment? Do you want to do that?

19          MR. KEMPER: If I can, I'll make a motion  
20 that we hold the first meeting in the last week of  
21 February.

22          MR. DENNER: We have a motion to hold the  
23 first meeting of the next year in the last week of  
24 February.

25          MR. SALT: Are you suggesting the 22nd

1 and 23rd?

2 MR. KEMPER: I do have not a calendar in  
3 front of me.

4 MR. SALT: That's the last Friday and  
5 Saturday.

6 MR. KEMPER: The 22nd and 23rd of  
7 February.

8 MR. DENNER: Do I have a second to that  
9 motion?

10 MR. SMITH: Second.

11 MR. DENNER: Second by?

12 MR. SMITH: Paul Smith.

13 MR. DENNER: Oh. Paul Smith.  
14 Discussion? Bob?

15 MR. ELLIS: Is that President's Day  
16 weekend? If it's President's Day weekend, I would  
17 hope we could move it one week back.

18 MR. DENNER: I would agree with that.  
19 President's Day weekend is a busy weekend for me.  
20 So one week forward or one week back?  
21 Motion-maker?

22 MR. KEMPER: Tim, would the third weekend  
23 in February work for you or does it have to be the  
24 first weekend in March?

25 MR. SALT: I think the third weekend in

1 February would be really pushing it,  
2 realistically.

3 MR. KEMPER: I'll amend my motion to the  
4 first weekend in February -- March. I'm sorry.

5 MR. SALT: The 1st and 2nd.

6 MR. KEMPER: The 1st and 2nd of March.

7 MR. DENNER: Paul, is an amendment okay  
8 with you?

9 MR. SMITH: That's fine. Second.

10 MR. DENNER: Okay. We have a motion and  
11 a second that the first meeting in the calendar  
12 year 2002 be the first weekend in March being the  
13 1st and 2nd of March.

14 Any discussion?

15 MR. BETTERLEY: Location.

16 MR. DENNER: We can either take that  
17 question now or we can vote on the issue that's on  
18 the table and then discuss the location. Why  
19 don't we get this out of the way. Okay?

20 All in favor of having the next council  
21 meeting the 1st and 2nd of March of 2002 -- yes?

22 MR. MC QUISTON: Just a question. Wally,  
23 that's NECO's legislative week. I don't know if  
24 you're going to be going to that.

25 MR. LEIMGRUBER: Yes. I'm on a NECO

1 Public Lands Steering Committee, and I will be  
2 attending that D.C. meeting. Thanks for bringing  
3 that up.

4 MR. MC QUISTON: My suggestion would  
5 be -- it works for me, but one of the two of us  
6 has to be here. We might want to schedule  
7 something that looks good for both of us, just in  
8 case.

9 MR. DENNER: Good point. Motion-maker?

10 MR. KEMPER: Well, maybe I better ask a  
11 question first. Does the second weekend in March  
12 work for everybody?

13 MR. SALT: The 8th and 9th.

14 MR. KEMPER: The 8th and 9th. If so,  
15 I'll amend the motion to the 8th and 9th of March.

16 MR. SMITH: Second.

17 MR. DENNER: Any discussion on having the  
18 first meeting in the next calendar year the second  
19 weekend, the 8th and 9th of March? Okay. All in  
20 favor raise your hand. Opposed? Abstained?  
21 Please record that the motion passed unanimously.

22 The question is, where are we going to  
23 hold it in March? Don't everybody speak up at  
24 once.

25 MR. KEMPER: What are going to be the

1 topics?

2 MR. BETTERLEY: Where is the November

3 meeting going to be?

4 MR. DENNER: Just for the record, the

5 November meeting --

6 MR. SMITH: December.

7 MR. DENNER: I'm sorry. The December

8 meeting is the 7th and 8th, Friday and Saturday,

9 the 7th and 8th of December. It will be in

10 El Centro.

11 Now, for our March meeting 2002, the

12 question came up is there any idea what the topics

13 are going to be?

14 MR. SALT: I think we're going to be real

15 close to a draft on the West Mojave by then. I

16 would propose someplace in the High Desert area,

17 Victorville. We've been to Barstow a lot. We

18 haven't been to Victorville. There are some

19 amenities in Victorville. We may get a nice place

20 to meet.

21 MR. DENNER: Mr. Salt says that

22 Victorville might be an ideal thing with the NEMO

23 plan being drafted by then.

24 Any discussion on that concept? Anybody

25 like it or dislike it?

1 MS. BEARDSLEE: Are you looking for a  
2 motion?

3 MR. DENNER: Well, I'm looking for  
4 comments first.

5 MS. BEARDSLEE: Okay.

6 MR. KEMPER: Actually, I think we need a  
7 motion before we can make comments. I'll make a  
8 motion that we have the March meeting in  
9 Victorville.

10 MS. BEARDSLEE: I'll second that motion.

11 MR. DENNER: Okay. Now, I'll take  
12 comments. Anybody have comments on having the  
13 March meeting in Victorville?

14 MR. SMITH: It's a great idea. Let's do  
15 it.

16 MR. DENNER: All in favor raise your  
17 hand. Opposed? Abstained? For the record, the  
18 vote was unanimous to have the meeting in  
19 Victorville.

20 And of course, as we get closer to that  
21 date, that's subject to change. There may be  
22 something that will come up between now and then  
23 that will make it more logical to meet or more  
24 informative to meet in some other location. But  
25 that will be our target date and our target place

1 for the first meeting in 2002.

2 MR. SALT: As I understand it with the  
3 primary topic of West Mojave. And we'll fill in  
4 the other topics as we get closer to the date.

5 MR. DENNER: Okay. Let's start with our  
6 council member reports. We'll start down here  
7 with Randy.

8 MR. RISTER: Randy Rister with Imperial  
9 County Fish and Game and Imperial County Parks and  
10 Recreation representing wildlife. We've been  
11 working six years to get a permit from Bureau of  
12 Reclamation to do a bighorn sheep (inaudible). We  
13 got that permit last month and completed the  
14 project.

15 We're also still permitting, going  
16 through the process, to do some additional water  
17 sources in Imperial County.

18 We also are under contract with Nolte  
19 Engineering to build 30 additional wetlands. As  
20 you may recall, I've been updating the commission  
21 on the wetlands for cleaning up the Salton Sea as  
22 part of the measure to clean up the (inaudible)  
23 River to facilitate better water quality on the  
24 Salton Sea for the birds on the pacific flyway  
25 that also use the desert area and the Colorado

1 River area.

2           The two wetlands that we have built, one  
3 cleaning up drain water is doing a 97 percent  
4 cleanup. The one on the newer water itself, the  
5 water coming out of Mexicali, is doing about a  
6 99 percent cleanup. So those are very effective.

7           We've received a new grant from Bureau of  
8 Reclamation to do an inventory and feasibility  
9 study and engineering design for between 30 and 35  
10 more projects. So that's in a stage of being  
11 completed now.

12           Besides the work that we're doing for the  
13 bighorn sheep, we also have a telemetry study that  
14 I informed you about for collared deer in the area  
15 between the (inaudible) and the Black Mountain.

16           We're in our third year of that mule deer  
17 study. As part of that study, there's money  
18 awarded through various grants and other funding  
19 sources in conjunction with state fish and game  
20 and BLM to capture feral burros.

21           Yesterday we completed another capture by  
22 helicopter and telemetry radio capture of 12  
23 additional. I think we have now 33 burros that  
24 are captured. We'll be monitoring their movements  
25 throughout the desert and the impact they have on



1 bighorn sheep and mule deer and the vegetation in  
2 the Imperial County. So that is briefly some of  
3 the issues that we're working on at this point.

4 MR. SMITH: Hi. I'm Paul Smith. I'm  
5 representing the public at large. I have a  
6 particular interest and a particular request. And  
7 that is, I've been surveying the use of nonprofit  
8 organizations within the desert area, both the  
9 Colorado and the Mojave.

10 While there are some very excellent  
11 individual nonprofit organizations working within  
12 specific areas, there seems to be a vacuum of  
13 nonprofits that are performing interpretive  
14 activities for the deserts as a whole.

15 So anybody that has an interest or some  
16 healthy ideas along those lines to use nonprofit  
17 organizations to increase the interpretive aspects  
18 of both the natural and cultural histories of the  
19 the desert, I'd be interested in hearing from them  
20 and perhaps having them on a list where we can  
21 communicate. Thank you.

22 MR. MC QUISTON: Good morning. I'm  
23 John McQuiston. I'm the first district supervisor  
24 of Kern County representing this body as an  
25 elected official. I don't have anything in

1 particular to report today. I would like to say  
2 good morning and to welcome you for being here.  
3 Thank you for taking time out of your schedules.  
4 If there's any questions or comments  
5 regarding local government elected that you feel I  
6 need to know about, please take time during the  
7 breaks or over lunch to contact me. I'd be happy  
8 to discuss whatever is on your mind.  
9 MS. BEARDSLEE: I'm Marilyn Beardslee. I  
10 represent Transportation and Right-of-Way  
11 interests on this council. I'm with the Kern  
12 Council of Governments for the Transportation  
13 Planning Agency for Kern County. I do long-range  
14 planning for that agency.  
15 A particular interest I think to the  
16 public right now is that Caltrans, California  
17 Department of Transportation, is preparing its  
18 long-range California transportation plan.  
19 The public comment period is open.  
20 They've had several workshops lately. I've  
21 attended the Bishop and Visalia meetings. And I  
22 think it's a particular concern to everyone that  
23 they participate in it, because it is something  
24 that over the next 25 years is going to affect and  
25 if not impact every one of us here in the state of

1 California.

2           Of particular concern to me I guess and  
3 to our county are the improvements that we're  
4 bringing forward on Route 14 and 395 up the  
5 eastern Sierra. That's certainly something the  
6 transportation plan is working at.

7           So I would encourage and appreciate any  
8 comments that you might have to Caltrans on your  
9 concerns for the transportation through California  
10 over the next 25 years. Thank you.

11           MR. DENNER: A quick administrative  
12 announcement I should have made before probably.  
13 Over on the table on the side there are forms that  
14 look like this. Anyone who wants to speak during  
15 the open discussion period on topics not on the  
16 agenda needs to fill out one of these forms.

17           If you want to speak relative to one of  
18 the topics that are on the agenda, fill out these  
19 forms, please. We'll make sure you'll get heard.  
20 I'd like to go down to Bob Ellis now and come this  
21 way for comments.

22           MR. ELLIS: Oh. Hi. My name is  
23 Bob Ellis. I represent environmental protection  
24 on the board. I'm an active environmentalist  
25 working with a number of environmental

1 organizations including the Sierra Club to better  
2 protect the natural environments of the desert.

3 I'm also a desert backpacker and enjoy  
4 spending a lot of time in remote areas of the  
5 California/Nevada desert.

6 We had a very nice tour yesterday. Not  
7 as many people as usual came on it, but we got to  
8 see some preserves in the area around here -- Big  
9 Morongo, Coachella Valley, Mission Creek.

10 I encourage anyone who has some extra  
11 time tomorrow to visit one of those preserves.  
12 Each of them has a story to tell. It's great.

13 There's two other visits we made. One  
14 was to the Sea West Wind Farm. And we made  
15 another visit to the Desert Water Authority  
16 settling ponds in the western end of the Coachella  
17 Valley up near Windy Point.

18 We heard a little bit about the Coachella  
19 Valley plan. It's on the agenda. From what I  
20 heard yesterday, it's going to require a whole lot  
21 of cooperation amongst the cities and people and  
22 agencies to get a good plan that will allow  
23 recreation development in the Coachella Valley and  
24 protect the habitats for the endangered species.

25 So we're going to hear a lot about that

1 starting today and I guess over the next two  
2 years. My theme is cooperation.

3 I have one more story about cooperation,  
4 and that totally involved me on Tuesday of this  
5 week. A friend of mine was hiking over the  
6 weekend in the mountains. He was supposed to come  
7 back on Sunday night. We didn't hear from him.

8 Tuesday morning we called the BLM in  
9 Bishop. As it turned out, that's who we could get  
10 ahold of. And Ron Stermo (phonetic) the ranger  
11 there said, "I'll go drive right on up and see  
12 what I can find out."

13 Well, Monday night they got some rain.  
14 But if you were up there, the roads were all  
15 washed out on the western mountains. Surprise  
16 Canyon and Middle Park Canyon and South Park  
17 Canyon, the roads were all gone.

18 So they discovered that when we got up  
19 there. They contacted Death Valley ranger  
20 Dan Brenner. He got his winchable vehicle out,  
21 spent the rest of the afternoon winching his way  
22 up. He got to the top. Near Porter Peak, they  
23 found Dave's truck but no Dave.

24 So by then we had contacted the Search  
25 and Rescue in Indio County, and Randy Dixon of the

1 Indio County Search and Rescue got a plane up  
2 there. They started a quick search.

3 We were concerned that Dave, who was only  
4 going to day-hike in the area might be injured and  
5 now be three days possibly without water on the  
6 hill there.

7 So later on that evening -- well, later  
8 that day, Ridgecrest BLM staff Marty Dikus was  
9 really helpful in talking to Dave's mother in  
10 Ridgecrest and his wife and encouraged them in  
11 holding out and telling them about the process of  
12 rescue.

13 So then at 10:00 at night, Randy Dixon of  
14 the Search and Rescue of Indio arranged with  
15 Vandenburg Air Force Base, who had a training  
16 group ready to go, to do a night helicopter search  
17 of the mountain.

18 Well, at 2:00 in the morning they were up  
19 there right around south of Telescope Peak, and  
20 they saw Dave's flashlight and came down and  
21 picked him up. At 3:00 they were down and he was  
22 telephoning his wife.

23 It's an example of three different  
24 agencies and public servants cooperating. They  
25 did a great job. We're really grateful. I would

1 like to kind of give a hand to the public  
2 employees who pulled this off, and we're all very  
3 happy. Thank you.

4 MR. BETTERLEY: My name is Bill Betterley  
5 and I'm a former supervisor of San Bernardino  
6 County. I represent on this board the public at  
7 large, and I have no report.

8 MR. CASEBIER: I'm Dennis Casebier. I  
9 represent the public at large. I live in Goffs,  
10 California, out in the middle of the east Mojave.  
11 I guess the two most exciting things that happened  
12 there this year, one is they finally fixed the  
13 grade crossing at Goffs.

14 The other is the two big ranches in the  
15 east Mojave. I don't know if there's been a lot  
16 of publicity on it or if everybody knows it or  
17 not, but they have been deactivated.

18 So after about 130 years, the OX Ranch  
19 and the Kessler Springs Ranch no longer have any  
20 cattle. The ranches were bought by the National  
21 Park Trust and given to the Mojave National  
22 Preserve and the cattle taken off.

23 They're in the process now of trying to  
24 decide what to do with the infrastructure, how  
25 much of it to tear down.

1           MR. LEIMGRUBER: Good morning. My name  
2 is Wally Leimgruber. I'm a district supervisor in  
3 Imperial County. I serve on the Fifth District.  
4 We have recently reapportioned our county, and I  
5 actually have half the county now in Imperial.

6           The east portion of Imperial County is  
7 all in District Five. The Imperial Sand Dune  
8 Recreational Area lies within that specific  
9 district.

10          This past Thursday we had our first  
11 meeting in El Centro to talk about the management  
12 plan for the sand dune area. The local press  
13 brought in some good information on all of the  
14 attendees.

15          We had representatives from (inaudible)  
16 County in the Yuma area. Imperial County was  
17 there, as well as the San Diego County had  
18 different people speak up.

19          The overwhelming thing there was to have  
20 open public lands. I also serve on the National  
21 Association of Counties Public Lands Steering  
22 Committee. We go back to Washington in March and  
23 talk about public lands that we want to have  
24 multiple-use opportunities for to enjoy here in  
25 our western states.



1           Our Imperial County sheriff's office has  
2 written for and obtained some federal grant monies  
3 to have off-road vehicles help enforce laws out in  
4 these areas. This is a large area.

5           The sand dune area is 150,000 acres. We  
6 all know that there's been some closures there,  
7 49,000 acres, just a recent closure among other  
8 closures that have taken place.

9           But this is an area that we want to have  
10 families to come out and enjoy. We want you to  
11 come out here and feel safe. We want you to come  
12 back to the county time and time and time again.

13           We're going to continue to get this land  
14 opened up. This county that we reside in has  
15 limited economic opportunities, and recreation is  
16 an issue that's very important to local  
17 residents.

18           A lot of mom-and-pop stores. There's  
19 machine shops. Even our local hospitals. We  
20 don't like to mention those, but they do depend on  
21 the visitors who come down to our area. It's a  
22 very important economic basis. We want to see  
23 family jobs there in our region continue to  
24 operate and prosper.

25           This is my first year on this Desert

1 Advisory Council. This is actually the third  
2 meeting that I've attended, and I continue to  
3 learn more and more about the importance of our  
4 deserts, our public lands that the BLM is taking  
5 care of. And we want to make sure that we have a  
6 balanced approach here on these lands. Thank  
7 you.

8 MR. REDDY: I'm Jim Reddy. I represent  
9 nonrenewable resources which primarily means  
10 mining. On yesterday's tour, which I thought was  
11 a pretty good tour, we heard at one point that the  
12 off-road vehicle people had not been informed or  
13 could not get information about all the meetings  
14 that have been going on.

15 One of the problems that I think the BLM  
16 has had is some outreach to different groups. I  
17 didn't make any comment yesterday. I thought I'd  
18 reserve it for today, but I didn't even know the  
19 thing was going on.

20 That might have been my fault. Our  
21 industry didn't know about it, so nobody from the  
22 mining association was able to tell me to pay  
23 attention to it.

24 We're discussing constantly removing  
25 large areas of the desert for endangered plants.

1 I think the off-road vehicle groups have done a  
2 much better job of being informed of what's going  
3 on in trying to protect their interests.

4 But we're not recognizing often that  
5 there are certain areas of the desert -- this is  
6 one of the most heavily-mineralized areas in the  
7 United States, and we're not recognizing that. We  
8 heard all the reasons why certain areas need to be  
9 protected yesterday for bird flyways and  
10 endangered species. There are endangered  
11 minerals.

12 There are only certain places that one  
13 can find some minerals. The BLM obviously  
14 yesterday is taking not in the least account what  
15 lies under the surface of the ground as far as  
16 what we're taking away.

17 The off-road vehicle groups, which are  
18 doing a pretty good job -- they're not doing a  
19 good job of protecting their recreation  
20 opportunities, but they're doing a good job of  
21 trying to protect them.

22 I would appreciate it -- this is my last  
23 term on the board. I won't be here next year --  
24 if the BLM would do a better job of informing  
25 different interest groups when studies are going

1 on.

2 Remember, just simply because we're  
3 looking into protecting some endangered species  
4 doesn't mean that that's the only group that we  
5 ought to talk to. We ought to talk to the  
6 recreation people. We ought to be sure that the  
7 people that are interested in mining are informed  
8 of it, because there are possibilities of moving  
9 boundary lines many times not too much.

10 We can still preserve the endangered  
11 species, but we can also preserve the minerals  
12 that every one of us needs every day.

13 Even the people that like endangered  
14 plants live in houses, and houses are built out of  
15 stuff. And that's what miners do. All we do is  
16 go get stuff. If we can't get any stuff, you  
17 ain't got no house. That's all I'd like to say.

18 MR. KEMPER: Hi. I'm Ron Kemper. I  
19 represent renewable resources and livestock  
20 producers. I'd like to thank everyone for being  
21 here. Everyone here spends a lot of time trying  
22 to do a good job. It's always helpful if we have  
23 people that come forward and tell us what their  
24 concerns are.

25 I'll give you a little bit of an update

1 on the livestock producers. It parallels in a lot  
2 of ways off-road users. We did have a hearing for  
3 I think about two and a half weeks with  
4 Judge Sweitzer.

5 He did remand a decision due to a lack of  
6 consultation, coordination and cooperation. I  
7 think that we all look forward to that process.  
8 At least I know that the livestock producers do.  
9 And we're hoping that we can move forward in an  
10 amicable fashion.

11 I'd like to congratulate this council.  
12 At the last meeting that we had, we took up an  
13 issue of overgrazing due to burros on some of  
14 these allotments. Some of these allotments  
15 actually have more burros than they have  
16 livestock.

17 They actually made a recommendation that  
18 the BLM cooperate with some of the local livestock  
19 producers in trapping some burros and removing  
20 them to adoption centers. That has been done and  
21 has been done very successfully with a great  
22 savings to the BLM and the BLM's budget.

23 We look forward to cooperating with the  
24 bureau. We do support continued use of public  
25 lands by the public for a variety of uses.

1           MR. DENNER: I have several items I'm  
2 going to talk about. Before I do, it's going to  
3 take me a few seconds to switch hats because I  
4 have a relatively large head. Some people seem to  
5 think it's even too big.

6           While I'm switching hats, there are  
7 chairs here, empty chairs all around. There's  
8 really no need for people to be standing. If you  
9 guys want to have a seat, it will take me a few  
10 seconds to get this job done. Then I'll pick up  
11 with my report.

12          MR. RISTER: Mr. Chairman?

13          MR. DENNER: Yes.

14          MR. RISTER: Before you get to your  
15 report, I missed two items on mine. Can I  
16 interject those?

17          MR. DENNER: Sure. Sure. By all means.

18          MR. RISTER: Also I had informed the  
19 Desert Advisory Council a number of years ago  
20 before I was a member when I came up with  
21 Supervisor Sam Sharp that we were looking at doing  
22 a cooperative effort improvement project on the  
23 lower Colorado River.

24          We started out working with the inner  
25 mountain west doing venture projects, Bureau of

1 Reclamation, State Fish and Game. Just recently,  
2 the State Wildlife Conservation board did approve  
3 a \$1.4 million grant to be given to Bureau of  
4 Reclamation to match their \$1.8 million in order  
5 that we are now going to restore about 9 miles of  
6 the lower Colorado River.

7           We're going to dredge the Old California  
8 Channel, restore 15 backwater lakes, restore three  
9 wetland systems, remove salt cedar, replant native  
10 vegetation, willows and cottonwoods, so that the  
11 bighorn sheep and the other wildlife that have  
12 been excluded from access to the Colorado River  
13 because of this growth, that will open up areas  
14 where they can get back to their water source.

15           It will also improve some habitat for  
16 fisheries along the Salton Sea and ponds and lakes  
17 for migratory water fowl. So we worked about six  
18 or seven years getting this thing up this point.  
19 We expect that within about the next nine or  
20 ten months, those projects will be complete.

21           One other issue. It's more of a sad  
22 note. But I've informed this commission before  
23 that we still have a major problem with illegal  
24 immigration crossing in the desert. Up to this  
25 point this year, I think we have now had 83 deaths

1 associated with the illegals crossing without  
2 adequate water.

3           So I just want to caution the people that  
4 are here today. If you do visit our area,  
5 especially in the summer months, be prepared.  
6 Take plenty of water and have a plan. Safety is a  
7 major concern for us. Thank you.

8           MR. DENNER: Okay. I guess it's my  
9 turn. First thing I want to comment on is  
10 yesterday's tour. I probably will cover a little  
11 bit of the ground that Bob Ellis already covered,  
12 but I think it's worth the effort.

13           Where's Jim Kenna? Jim? Jim is the BLM  
14 guy that led the tour yesterday. He did an  
15 excellent job. For the benefit of other council  
16 members, particularly the new ones, I think you  
17 guys who don't show up for the tours are making a  
18 big mistake.

19           You know, I've gotten more education  
20 about what's going on with the BLM in the various  
21 desert districts by taking these tours than I have  
22 at the council meetings or from the information  
23 that's sent to me in the mail.

24           I think the tours are a very important  
25 element of this advisory council. I encourage not



1 only council members but the public as well. If  
2 you want to learn what's going on in the  
3 California desert district, there's nothing like  
4 getting out there and walking around and seeing  
5 what these folks are doing.

6 Whether you approve of it or not, you at  
7 least understand what it's all about. The tours  
8 are very worthwhile. Let me tell you what we saw  
9 yesterday, just briefly again, because I have a  
10 method to my madness here.

11 We started out in the morning looking at  
12 a preserve that's set aside for the fringe-toed  
13 lizard, the Coachella Valley fringe-toed lizard.  
14 There are three fringe-toed lizards that are  
15 endangered. The other one is in the Mojave, and  
16 one up in, what, the Imperial Valley? Is that  
17 where it is?

18 Well, anyway, there's three of them.  
19 They have a picture of them out there in the  
20 visitor center. Physically they are exactly the  
21 same, but they are slightly different shades. So,  
22 you know, they're identified as different  
23 species.

24 This area out here is well worth going to  
25 see. It's a beautiful palm oasis with water

1 running through it and a sand dune network behind  
2 the oasis where the lizards actually live, you  
3 know. And it's set aside to protect these  
4 creatures. They did a tremendous job. It's a  
5 really neat place.

6 I can't imagine ever wanting to ride my  
7 motorcycle through this place, you know. It's  
8 indeed a worthwhile effort, and they've done a  
9 heck of a job. I commend them for protecting that  
10 endangered animal. It covers several thousand  
11 acres.

12 The neat thing about the tour yesterday  
13 was the diversified information that we were able  
14 to obtain. We went from there to what they call a  
15 water-spreading project. As an engineer, I think  
16 this is a super idea.

17 It turns out that under this valley  
18 there's a huge they call it a sub-basin. It's  
19 actually an aquifer, a natural aquifer. It's like  
20 a giant water storage basin. It's been storing  
21 water for they don't know how long. It could be  
22 thousands of years.

23 They've come up with a concept of  
24 restricting rain water when it floods through the  
25 valley and Colorado River water to replenish this

1 aquifer and use it as a storage for the  
2 Metropolitan Water District and the valley out  
3 here, you know, which is a tremendous idea. It's  
4 almost like having this giant water storage system  
5 at no cost.

6           They showed us how they're doing that.  
7 They have these settling fields where the water  
8 percolates down into the basin. And in heavy-need  
9 times, they draw it out of there. It's working  
10 just super. I thought that was really  
11 interesting.

12           Probably the highlight of the day for me  
13 was we went from there to the wind farms. You  
14 people see all these big propellers spinning  
15 around out here. We actually got to go out and  
16 climb into one of those towers.

17           And then we went back to the office and  
18 looked at their control system and all that. I  
19 could have spent the whole day there. That was  
20 really interesting.

21           We went from there to the Mission Creek  
22 Preserve. This is a large tract of land that has  
23 been purchased by a relatively new agency called  
24 The Wildlife Conservancy. Wildlands Conservancy?  
25 It was close. It's an organization similar to the

1 nature conservancy, which a lot of people know  
2 about.

3           They're going around and buying up land  
4 and setting it aside as preserves for the  
5 environment so those areas stay pristine.

6           This organization has been in business  
7 for about five years. In that time, they have  
8 raised enough money from individual contributions  
9 to buy literally hundreds of thousands of acres of  
10 desert land.

11           Some of that land they've donated to the  
12 BLM to fill in gaps. They have a very nice  
13 working arrangement with the BLM where they sort  
14 of monitor the surrounding BLM lands around this  
15 several-hundred-thousand acre conservancy.

16           I guess they're to be commended for doing  
17 this. They are certainly setting aside part of  
18 our natural landscape for future generations to  
19 enjoy.

20           And of course, no kind of vehicle  
21 activity or other heavy-impact activity that might  
22 disturb this land is allowed on this property.  
23 It's private property, so they have a right to do  
24 whatever they want with it.

25           I'm just kind of impressed with the fact

1 that in five years, an organization can raise  
2 enough money to buy thousands of acres and set it  
3 aside for their purpose. As an OHV guy, I wish  
4 somehow the OHV community could pull that off.

5           We went from Mission Creek to another  
6 area, Big Morongo Reservation, which is another  
7 area that's been set aside for the protection  
8 primarily of large animals. There's bighorn  
9 sheep.

10           From what I also stepped in on the  
11 walkway there, they have a black bear that's  
12 present now that's making his presence pretty  
13 obvious. This is kind of a neat thing. It has a  
14 walkway through like a swamp area, and it's full  
15 of birds.

16           They talk about it being on the migratory  
17 path of birds going from Canada to Mexico. It's a  
18 great spot where they come in during their  
19 migration, and they have a place to land and get  
20 food and that sort of thing. A very worthwhile  
21 project. It's 29,000 acres set aside.

22           One of the unfortunate things, I think,  
23 is when they developed this area and set it aside,  
24 they of course, had to eliminate a hill climb area  
25 that motorcyclists in the valley, you know, used

1 to use, because that would certainly not be  
2 appropriate with a preserve like this. I think  
3 everybody would agree.

4 That leads me to the downside of what I  
5 saw yesterday and my discussions with the BLM  
6 managers. Apparently, all OHV recreation in this  
7 valley has been turned off. Some of it was legal,  
8 some of it was illegal.

9 From what I understand -- I'll be  
10 interested in the district manager's report. I  
11 may be out of whack on this -- there is no place  
12 in the entire Coachella Valley which runs east and  
13 west and all the way to the Salton Sea where there  
14 is a legal OHV recreation area.

15 It seems to me, if we can find hundreds  
16 of thousands -- literally hundreds of thousands of  
17 acres to do a good job protecting the environment,  
18 which we want to do, we ought to be able to find a  
19 thousand acres somewhere.

20 The kids in this area who used to ride in  
21 the hills after school and on the weekends near  
22 the Big Morongo Preserve, it just makes me wonder  
23 what are they doing after school now to burn off  
24 all that excess energy? What are they involved in  
25 that they had to find to do instead of riding

1 their dirt bikes in the hills?

2 I'd be interested in hearing what the BLM  
3 is doing to find a legal OHV area in the Coachella  
4 Valley for the kids and the teenagers who live in  
5 the Palm Springs area.

6 The second thing I want to report on is  
7 somewhat of a commercial, but it applies to the  
8 desert district. There is a new organization  
9 called ORBA, O-R-B-A. It stands for Off-Road  
10 Business Association. I am the president and CEO  
11 of that organization.

12 The organization is composed of business  
13 owners who make a substantial amount of their  
14 income in the off-road recreation industry. These  
15 people finally woke up.

16 They understand what is happening. And  
17 the unbalanced management plans that we're looking  
18 at these days do not give a fair shake to off-road  
19 recreation, and it will indeed have an impact on  
20 their business.

21 This organization has generated a fair  
22 amount of money in a short period of time. It has  
23 teamed up with other Southern California OHV  
24 organizations, and we are helping to pay for a  
25 really good environmental attorney firm to take a

1 look at the management plans to see that off-road  
2 recreation gets its fair recognition.

3           At our last meeting, I passed out to two  
4 of the council members the first report that we  
5 have from this legal firm relative to the NECO  
6 plan. It was a 29-page document generated by an  
7 attorney by the name of David Hubbard. I thought  
8 it was very well done.

9           I'm going to take a minute now. I have  
10 some other things to pass out to the council. I  
11 have extra copies that I'll leave on the table  
12 over there.

13           But as a result of the lawsuit,  
14 primarily, they closed the sand dune area. There  
15 are several spin-off documents called EAs,  
16 Environmental Assessments, that the BLM has been  
17 required to issue for each of these proposed  
18 closures of off-road areas, off-road trails,  
19 off-road camping areas. I've got three of them  
20 with me today.

21           One is an official reclosure of the  
22 Imperial Sand Dunes area. One is a closure for  
23 Painted Gorge. I don't know if you've ever taken  
24 the trail through Painted Gorge. It's absolutely  
25 beautiful. One of the neatest recreation areas



1 for the families to ride through.

2           These are closures because of the impact  
3 on bighorn sheep, theoretically. And one has to  
4 do with the closure of trails in Edward's Bowl  
5 area.

6           As soon as I finish this subject, I'm  
7 going to get these things out and pass them  
8 along. I just want to say that as time goes on,  
9 this firm will be doing legal opinion letters on  
10 the other BLM desert management plans so that in  
11 the future, we won't have to get involved after  
12 the fact, after the closures have been done.

13           As interveners, we'll be able to be right  
14 up front with our lawyers and our attorneys  
15 standing to, just like the environmental  
16 extremists groups have. I hate to have to go that  
17 way, but I don't see where we have any other  
18 course.

19           So I'm going to take a minute and pull  
20 these out of my briefcase and pass them out. If  
21 anybody wants to find a seat, this is a good  
22 time.

23           MR. SMITH: While Roy is doing that, I  
24 might make an observation. I've been  
25 communicating with a number of officials within

1 the BLM. In the preparation of these plans,  
2 they've been very open to suggestions,  
3 particularly written suggestions that they've  
4 received.

5 I know one area -- it's not OHV, but it's  
6 in the area of rock hounders and people that are  
7 interested in visiting the mineral-rich areas for  
8 the beauty and the collection ability.

9 The BLM, I know, is very welcome to input  
10 as to making sure that those access roads are kept  
11 open. I think one of the problems is that some of  
12 the mineral organizations become somewhat  
13 secretive as to their secret locations. And it  
14 could hurt you to have that posture right now. So  
15 I encourage you to consult with the people on the  
16 staff of the BLM.

17 MR. DENNER: Thank you. I have one other  
18 item to report on. It has to do with a document  
19 that I also passed out in the last advisory  
20 council meeting in Ridgecrest, which was a letter  
21 to the state director of the BLM, Mike Pool,  
22 requesting more attention to balancing the land  
23 management plans in the California desert  
24 district, and particularly recognizing OHV  
25 recreation needs.

1           That letter was signed by 54 state  
2 legislators, assemblymen, senators, Republicans  
3 and Democrats alike. As a result of that letter,  
4 Mr. Pool called Pete Connody (phonetic), a  
5 lobbyist in Sacramento that the off-road  
6 recreation community uses who is doing a very good  
7 job, by the way, and said that he wanted to meet  
8 with the OHV leaders in California to reconcile  
9 this concern.

10           After, as you can imagine, much back and  
11 forth, 15 OHV leaders in the state of California  
12 were able to agree on a date that was acceptable  
13 to Mr. Pool to meet together to discuss our  
14 concerns. The date was this previous Thursday at  
15 1:30 in the afternoon at the regional office in  
16 Riverside.

17           Friday evening late -- this was a holiday  
18 weekend. Monday was the holiday. Friday evening  
19 late, Mr. Pool left a message on Mr. Connody's  
20 voicemail that he would not be available for this  
21 meeting.

22           We, of course, didn't learn about it  
23 until Tuesday morning after the holiday weekend,  
24 and we had to scramble around, making sure all  
25 these people who have nothing else to do would

1 reschedule their efforts and understand that it  
2 wasn't possible to meet with Mr. Pool.

3           No reason was given for the  
4 cancellation. There may be a very good reason. I  
5 don't know. But I thought it was worth pointing  
6 out that the fact that 15 leaders of a stakeholder  
7 group that is very large in the California desert  
8 district, you know, found a way to get together  
9 and put in their time.

10           I mean, that's difficult enough to have  
11 15 people get together at the same time. I was  
12 hoping by this meeting to have a report for  
13 everybody as to what took place at that meeting,  
14 you know, and what kinds of input we got from the  
15 state district of the BLM. But unfortunately,  
16 that report is going to have to wait until some  
17 other time.

18           That finishes my report to the council  
19 and to the community. Next we have the district  
20 manager, Mr. Salt.

21           MR. SALT: Thanks, Roy. I think my  
22 report is going to be relatively short today.  
23 First off, I guess I would like to apologize to  
24 the council and those members who were on the tour  
25 yesterday. I was unable to be on the tour.

1           I, like Roy, have a concern about the  
2   tours. I think they are an essential part of the  
3   meetings. Even though they're technically not  
4   part of the meetings, they are an essential part  
5   of the meetings. That's where we get a firsthand  
6   look at the issues that we're going to be talking  
7   about on the meeting day.

8           There's actually been some suggestion  
9   among some that we cancel the field trips and not  
10   have the field trips. I am adamant that, you  
11   know, that is not a good idea.

12           I mean, certainly if that's the wish of  
13   the council, they're your trips. But I think they  
14   are critical to the understanding of the issues  
15   that we're addressing during the meeting on  
16   Saturdays.

17           I encourage all council members to be  
18   there. And again, I apologize that I was unable  
19   to be there yesterday.

20           Actually, I thought I had a few comments  
21   today, and then as a result of everyone else's  
22   comments, my list kept getting longer.

23           Jim, I appreciate your comments relative  
24   to the Coachella plan. That is on the agenda  
25   today, and I hope that you raise those questions

1 at that time because I think those are appropriate  
2 questions.

3 I think there are some reasonable  
4 responses to some of those. Rather than trying to  
5 get to those now, we'll let the people who have  
6 that on the agenda address that.

7 At the last meeting in Ridgecrest, Roy  
8 raised the issue relative to what is perceived as  
9 the continuing closure of lands to off-highway  
10 vehicle use and the perception that the bureau is  
11 opposed to off-highway vehicle recreation.

12 I've thought about that since the last  
13 meeting. I thought it would be important to kind  
14 of -- maybe part of our problem is that we focus  
15 so much attention on those things as a result of  
16 lawsuits and everything else that's going on, that  
17 we don't highlight some of the other things that  
18 we're doing enough.

19 So included in your packet is some  
20 information. I'd like to supplement that  
21 information with some things. You talked about  
22 the conservancy's acquisitions in these  
23 preserves. The conservancy has also made  
24 acquisitions within open areas and insured the  
25 public use of these private lands that are within

1 open areas.

2           In addition to that, the bureau has  
3 acquired many other acres in private landholdings  
4 through exchange and other means within open  
5 areas. We've done numerous easement acquisitions  
6 to ensure access to the popular-use areas.

7           Also in here we have an environmental  
8 education program that comes out of our Washington  
9 office. The most recent -- they periodically put  
10 out training modules, classroom modules, primarily  
11 for education of elementary school children. The  
12 last module that came out was a module on  
13 responsible off-highway vehicle use.

14           So I just want to point these things  
15 out. Certainly, this is not a complete list, but  
16 I think, you know, it is an indication that the  
17 bureau recognizes that off-highway vehicle use is  
18 a legitimate use of public lands.

19           We're directed in (inaudible) in general,  
20 and specifically relative to the California desert  
21 conservation area to provide for off-highway  
22 vehicle use where appropriate. That's what we  
23 intend to do.

24           You also talked about off-highway vehicle  
25 use within the Coachella plan area. You know,

1 there are things in process in place to deal with  
2 that. Rather than me address that, I'll let Jim  
3 address that during the discussion on the  
4 Coachella plan as well.

5 Ron touched briefly on the grazing  
6 periods. I would like to spend a little more time  
7 on the grazing periods. By way of background, the  
8 lawsuit settlement agreement called for seasonal  
9 closure of portions of some allotments during  
10 critical desert tortoise times of the year. That  
11 court also required that we implement those  
12 actions through our normal process and  
13 procedures.

14 We embarked on that in January of last  
15 year. The settlement agreement called for closure  
16 beginning the first of March. We've embarked on  
17 that process the first part of January. We did  
18 not have the decisions in place by the 1st of  
19 March.

20 As a result of that, the plaintiffs in  
21 the lawsuit filed a contempt motion against the  
22 Bureau of Land Management for not acting in  
23 accordance with the settlement agreement to get  
24 those closures in place.

25 We had those contempt hearings last May.



1 The judge refused to rule that we were in contempt  
2 but said that we were definitely not in  
3 compliance.

4 I've yet to make the clear distinction of  
5 what the difference is, but I decided not to press  
6 the judge because I think I like "not in  
7 compliance" better than "in contempt."

8 So we continued in that process. We  
9 issued final decisions on May 15th, which was  
10 actually before the hearing on the matter before  
11 the federal district court judge.

12 The district court judge was not  
13 satisfied with the course we were on at that time  
14 and said that he wanted a plan on how we were  
15 going to have the closures implemented by  
16 September 7th.

17 We came back through another hearing two  
18 weeks later and presented him with our plan, which  
19 called for an alteration of the normal appeals  
20 process.

21 Normally in a grazing decision, a  
22 proposed decision is issued. You can protest the  
23 decision. A final decision is issued. You can  
24 appeal the final decision.

25 That appeal then is heard before an

1 administrative law judge who renders a decision.  
2 If you don't like that decision, then it can be  
3 appealed to the Interior Board of Land Appeals.

4           This process normally takes about three  
5 years to complete, which wouldn't get us to an end  
6 product by September 7th.

7           So the secretary chose to -- since the  
8 secretary established the Interior Board of Land  
9 Appeals, the secretary can do what she chooses.  
10 She chose to assume jurisdiction of those cases  
11 and assign them to a particular administrative law  
12 judge who would hear the appeals on the decisions  
13 and was required by the secretary to issue a  
14 decision by August 24th.

15           So basically we compressed a three-year  
16 process down to about three months, which was  
17 actually a pretty significant burden on all  
18 parties involved in terms of preparing our case,  
19 presenting our case. And then maybe the largest  
20 burden of all was on the judge who had the week  
21 and a half after the case was heard to render a  
22 decision.

23           As Ron suggested, the hearings lasted two  
24 and a half weeks. Long days, each of them. A lot  
25 of testimony. On August 24th, the judge rendered

1 a decision. I don't know whether you read it or  
2 not. It's 108 pages long, I believe.

3           The judge was considering four issues.  
4 One, did we comply with NEPA. Two, did we comply  
5 with the Endangered Species Act. Three, was the  
6 decision consistent with the Administrative  
7 Procedures Act, which requires that decisions not  
8 be arbitrary or capricious. And four, did we  
9 follow our own regulations and procedures in  
10 issuing that decision.

11           In the final ruling, the judge ruled that  
12 we were in conformance with the Endangered Species  
13 Act, that we were in conformance with the National  
14 Environmental Policy Act, and that the decision  
15 was based on sound, scientific information and was  
16 not arbitrary or capricious, and that we followed  
17 all of the rules and regulations necessary to  
18 implement its decision, except for the fact that  
19 prior to implementing reductions in grazing use,  
20 the bureau is required to consult, cooperate and  
21 coordinate with the permittees.

22           The judge didn't feel that the level of  
23 consultation that we had conducted was  
24 sufficient. So we remanded the decisions back to  
25 the bureau to be corrected.

1           Those decisions were remanded back on the  
2 24th of August. It's been two weeks yesterday.  
3 So we found ourselves somewhat between a rock and  
4 a hard place.

5           We had a district court judge ruling that  
6 said we'll have these closures in effect by  
7 September 7th, and a district law judge ruling  
8 that says we need to go back and do additional  
9 consultation, cooperation and coordination with  
10 permittees before you can issue these decisions  
11 which were otherwise sound decisions.

12           Yesterday we issued a new decision. In  
13 the intervening two weeks, we have made attempts  
14 to consult with permittees -- additional attempts  
15 to consult with permittees. They were unable to  
16 consult during that period of time.

17           Based on both judges' rulings and our  
18 interpretation of the regulations and our need to  
19 have a closure in effect on September 7th, and  
20 based upon our interpretation of the judge's  
21 ruling relative to the biological findings and  
22 conclusions that were reached through the two and  
23 a half weeks, we determined different than we had  
24 determined before that there was a need to  
25 implement these decisions immediately.

1           So we used a different section of  
2 provisions which provides for an immediate  
3 implementation and decision. It does not provide  
4 for a proposed decision that can be protested and  
5 had a final decision that allows us to issue a  
6 decision that's effective immediately.

7           Using that regulation, the standard for  
8 consultation is that we'll make a reasonable  
9 attempt to consult. So the standard is slightly  
10 different.

11           So those decisions were issued yesterday  
12 and are in effect. It is our intent to continue  
13 the consultation and cooperation and coordination  
14 process in the hopes that we can continue to find  
15 a better way, a more appropriate way, to implement  
16 the terms of the settlement agreement in a manner  
17 that is more acceptable to the livestock  
18 permittees.

19           So while we issued what we call final  
20 decisions yesterday, by no means do any of us I  
21 think consider this to be the final act. We  
22 anticipate that there will be a flurry of legal  
23 action.

24           It's probably now no longer at the  
25 administrative level, although that opportunity is

1 still available. These decisions can be  
2 appealed. But we expect that there will be a  
3 flurry of action at the federal court level, and  
4 this issue is probably long from resolved.

5 MR. KEMPER: You think?

6 MR. SALT: But I think one of the  
7 positive things, and Ron, you can speak to this if  
8 you want. I think one of the real positive things  
9 that came out of two and a half weeks' worth of  
10 hearings was when we started the hearing,  
11 everybody was sitting on their bride and groom's  
12 side of the courtroom and, you know, there were  
13 some tense moments as you passed people in the  
14 hallway.

15 After two and a half weeks, I think we  
16 all came to realize that we had a lot of common  
17 objectives, and we're all working hard to do our  
18 jobs. I think that we're probably in a much  
19 better position now to move forward to more  
20 constructively try to find a workable solution to  
21 this. And I look forward to that opportunity.

22 Also in the intervening two weeks,  
23 there's one other lawsuit that I'd like to speak a  
24 little bit about. Many of you here probably know  
25 a lot about that suit. I think someone else

1 already alluded to that today as well. I guess it  
2 was Roy.

3           In November when we issued the decision  
4 to close the Imperial Sand Dunes, the direction of  
5 the district court judge was there was some  
6 confusion, lack of clarity, over the direction of  
7 his decision. We issued a closure notice on the  
8 assumption that we were issuing a closure notice  
9 to invoke his decision.

10           In later decisions, he clarified that he  
11 intended that we use our normal administrative  
12 procedures also in that case to implement the  
13 decision.

14           So we're in the process now of issuing a  
15 new decision. At the time we issue that new  
16 decision, which will provide for opportunity for  
17 appeal, the original decision will be vacated.

18           In the meantime, the American Sand  
19 Association, ORBA and others have sued,  
20 challenging the original decision. Two weeks ago  
21 there was the first hearing on that particular  
22 lawsuit.

23           We had discussions with the magistrate  
24 judge who attempts to resolve things before it  
25 goes to the district court judge. We had

1 discussions on whether or not we could settle that  
2 lawsuit.

3           We concluded at the time that we would  
4 not be able to settle that lawsuit at this point  
5 in time. We did agree on venue, though. There  
6 was some suggestion that this should be  
7 transferred back to San Francisco and addressed as  
8 part of the larger lawsuit, and all the parties  
9 agreed that we'd all rather stay in San Diego than  
10 go to San Francisco.

11           So ultimately if that lawsuit does go to  
12 trial, it will take place in San Diego. I suppose  
13 there's always opportunity for further legal  
14 maneuvering that would change that. But as it  
15 stands right now, that will be tried in San  
16 Diego.

17           The next steps in that are discovery,  
18 where both parties exchange the information and  
19 materials that they have that would support their  
20 side of the suit. And that will be proceeding  
21 over the next couple of months.

22           By that time the new decision will be in  
23 effect. That decision, as I said, can be appealed  
24 to the Interior Board of Land Appeals.

25           It is our position that since that



1 decision can be appealed, that the federal court  
2 lawsuit is moot because the administrative  
3 remedies have not been exhausted. But that's an  
4 issue that will have to be decided by the judge.

5           So that's the status of things to date.  
6 There are a lot of ongoing activities relative to  
7 implementation to other elements of the lawsuit  
8 that Roy has already alluded to. And those are  
9 all moving forward.

10           I think most of you have seen the EAs and  
11 the proposed decisions and everything that has  
12 come of those. And most of those are at that  
13 stage where we hope to be issuing the final  
14 decision to implement those settlement agreements  
15 within the next few weeks. And that concludes my  
16 report.

17           MR. DENNER: Any comments on council  
18 member reports from the council?

19           MR. CASEBIER: Tim, did I hear you say  
20 exactly what decision was reached yesterday and do  
21 we have a copy of that with respect to -- is  
22 Dave Fisher out there scrambling around moving his  
23 cows?

24           MR. SALT: The decisions that were issued  
25 yesterday are nearly identical to the decisions

1 that were issued before in that they call for the  
2 removal of livestock beginning September 7th or as  
3 of September 7th.

4 MR. CASEBIER: So if he's not out there  
5 moving his cows, he's in violation?

6 MR. SALT: If the ranchers have cows in  
7 those portions of the allotments that are closed,  
8 they are currently trespassing or we would allege  
9 that they are currently trespassing. That's a  
10 whole other process, that we allege that they're  
11 in trespass. You know, we have to go through that  
12 process.

13 MR. CASEBIER: Do you have copies of what  
14 you did yesterday?

15 MR. SALT: You know -- Molly, did you  
16 bring it? I left the office at 7:00 last night.  
17 It hadn't yet been mailed. Molly was there until  
18 at least 9:30. This is one of the things that I  
19 meant to bring today, but in the flurry of  
20 activity yesterday --

21 MS. BRADY: Let me just say that yes, I  
22 stayed until 11:00 doing mailings at the office  
23 last night. Ron Kemper asked me to bring his  
24 personal copy for a hand carry. I brought him a  
25 copy of it. That's the only one I do have with

1 me. I will at a break ask them to make copies for  
2 you. I think that's the best I can do, if that's  
3 okay with Ron.

4 MR. KEMPER: Absolutely. I think the  
5 more people that know about it the better.

6 MS. BRADY: I probably can't make a map.

7 MR. KEMPER: Thank you, Molly.

8 MR. SMITH: How does this relate to --  
9 Ron, you had a proposal which I thought was going  
10 to go forward for the cattle to try and work  
11 something out directly with the BLM.

12 MR. KEMPER: Actually, the range  
13 management plan that we had talked about was in  
14 regards to the NEMO and NECO, and it didn't have  
15 anything to do with the short-term solution.

16 What I can share with everybody is that I  
17 don't even believe all the ranchers have been  
18 contacted at this point. But some of them were  
19 contacted with less than a week's notice and asked  
20 if they could all participate in a consultation.

21 I think a couple of them could attend one  
22 of the two days. My calendar didn't permit it. I  
23 know that one of the gentlemen was in New Mexico.  
24 Another one was on another desert ranch gathering  
25 cattle where he doesn't even have access to a

1 phone.

2           Some of these gentlemen live in very  
3 rural areas and get their mail via a post office  
4 box and pick up their mail maybe two times or the  
5 one time a month that they come to town.

6           So the ranchers are very much interested  
7 in participating in the process, but of course,  
8 they ought to be given enough time to be able to  
9 participate.

10           MR. DENNER: Any more comments from the  
11 council? I personally would say I'm glad I don't  
12 have cows out there. Okay. I think we will move  
13 on to the public comment period then. I have a  
14 number of slips here. I'm sorry.

15           MR. SALT: I guess I would like to go on  
16 behalf of the state director to give a comment.  
17 The state director is extremely interested in  
18 meeting with the members of the OHV community as  
19 am I. I intend to be part of it.

20           The meeting was canceled because of this  
21 grazing issue. The days that we'd set up for the  
22 meetings with the permittees was Thursday and  
23 Friday, which would have conflicted with that  
24 meeting.

25           Because of the urgency of the grazing

1 issue, we felt, you know, it was necessary to make  
2 that attempt. By the time we found out that none  
3 of the permittees were going to show up, it was  
4 obviously too late to try to reestablish the  
5 meeting.

6 But, you know, it was a matter of the  
7 urgency of addressing this issue. We are anxious  
8 to meet. You know, my office will be moving to  
9 get that meeting rescheduled as soon as possible.

10 MR. DENNER: Thank you for that  
11 information. It's nice to know that the BLM at  
12 least feels they have a good reason for canceling  
13 the meeting. We had no idea what the reason was.

14 I'm just going to take these speaker  
15 slips as they were presented to me in whatever  
16 order. Well, I'm just counting them. I've only  
17 got five. The people put on here that they need  
18 like 3 minutes each. That doesn't sound like it's  
19 going to be a problem.

20 If we run into a problem, everybody  
21 understand that we have a busy agenda today. So  
22 if you get a little too long-winded, I have no  
23 choice but to cut you off. So try to make your  
24 points concise and to the point.

25 If somebody else already said what you

1 feel like you need to say, you can just ditto that  
2 person and then make your additional comments, if  
3 you would, please. We're going to start with  
4 Harriet Allen.

5 MS. ALLEN: Thank you, Mr. Chairman. I'm  
6 Harriet Allen, Spring Valley. I speak as an  
7 individual today. I'm bringing to the public and  
8 the people behind me two documents that I received  
9 after August 31st, when I returned to a big stack  
10 of mail.

11 One of them is a notice of proposed  
12 action which would permit the BLM to issue permits  
13 for research on the peninsular bighorn sheep in  
14 six wilderness areas in the peninsular range. Two  
15 pages. That's all.

16 The deadline for comments was 30 days  
17 after receipt, and I got home the 31st. So that  
18 would be September 31st. I don't think that's  
19 right.

20 The other one is a notice of a  
21 programmatic environmental assessment for the BLM  
22 to do bighorn research in the peninsular range.  
23 As you know, the bighorn are declining.

24 A couple of decades ago, there were  
25 1,100. This year there are 400 identifiable

1 individuals between San Jacinto, the big mountain  
2 across the road, and middle portions of Baja, the  
3 whole range.

4           The BLM proposes in this document -- this  
5 is the whole document for a research project --  
6 proposes to capture by helicopter net process,  
7 transport them to processing centers not  
8 identified, relocate some of them to the point of  
9 origin, transport, translocate, for instance three  
10 ewes from different places to San Jacinto and  
11 take. You all know what "take" means? Disposal.

12           The applicants are the Bighorn Institute,  
13 the Zoological Society of San Diego, its  
14 reproductive center, and the California Division  
15 of Fish and Game.

16           This research project involves 100 of the  
17 400 existing sheep. The BLM has only 29 percent  
18 of the total critical habitat area. There have  
19 been extensive and continuing studies of the  
20 peninsula bighorn sheep for over 40 years.

21           They involve people from the University  
22 of Davis and all of the University of California  
23 research stations, the United States Forrest  
24 Service, the Bureau of Reclamation, the Office of  
25 Cultural -- California Historical -- California --

1 what's the name? Somebody say it for me.

2           There are at least a score of agencies,  
3 people, individual experts, Indian tribes and so  
4 forth who have been working on coordinated,  
5 cooperative research on the peninsula ranges.

6           The BLM at the beginning and continues to  
7 not participate in that process. And now it comes  
8 in in 2001 with a proposal to do research on  
9 100 animals.

10           How do they know that they're not going  
11 to be netting animals that are already collared?  
12 How do they know that they're not interfering with  
13 those long-term research plans?

14           I know this is boring to many people, but  
15 I, as a person with a number of graduate degrees  
16 in biology, life credentials for teaching biology,  
17 am intellectually offended by this document.

18           Look. Just a few pages. And they're  
19 going to be taking care of one fourth of our sheep  
20 by October 7th, three weeks from now. Not even  
21 30 days after the comment period.

22           I think that this council, in spite of  
23 what poor Jim has been through this last two  
24 weeks, should ask him to cancel the starting date  
25 on this program.



1           It is incredible. The document itself  
2 could be written by a 6th grader. And I think all  
3 of the people in this room would be concerned if  
4 Mr. Salt put his name on it. I hope you don't  
5 mind. The people who signed it I think have been  
6 influenced maybe.

7           MR. DENNER: I'm going to have to call  
8 the time.

9           MS. ALLEN: All right. Thank you.

10          MR. DENNER: Mr. Salt has suggested that  
11 rather than respond directly, Jim, during the  
12 field manager report, may have something to say  
13 about that issue.

14          Next on my list is Mr. Vince Brunasso, an  
15 ex-chairman and president of the American Sand  
16 Association.

17          MR. BRUNASSO: Good morning. I'm  
18 cofounder and past president of the American Sand  
19 Association. My name is Vince Brunasso.

20          There are a lot of issues going on with  
21 the Imperial Sand Dunes. I'm sure you're aware of  
22 that. I just want to highlight a couple of them  
23 because I know some other people are going to  
24 speak too.

25          In the near future, you're going to be

1 giving much thought to the future down at the  
2 dunes and the upcoming RMP. As Mr. Salt has said,  
3 they're going to vacate their previous decision,  
4 and I'd sure like to have some influence on that  
5 too.

6 In those thoughts that you're going to be  
7 having, I ask that you consider the study that I  
8 just gave you. This study was commissioned by the  
9 American Sand Association and the San Diego  
10 Off-road Coalition. It will stand to peer review  
11 and demonstrates that OHV use at the ISDRA does  
12 not jeopardize plant life in the dunes.

13 In addition, there are other studies  
14 referenced in there that are BLM studies that say  
15 pretty much the same thing. We counted over  
16 70,000 individuals of the one listed species, in  
17 particular, Peirson's milk vetch, and that was in  
18 the overriding areas alone. Thousands more  
19 remained uncounted in the closed areas because we  
20 were denied access.

21 Even the BLM's own studies indicate that  
22 the impact of OHV usage negligible. In fact, all  
23 of the studies that I just mentioned indicate that  
24 the plants actually thrive in these overriding  
25 areas.

1           Based on those studies, I'd like to see  
2 the BLM expend its limited resources on protecting  
3 areas that legitimately need that protection  
4 instead of an area that doesn't seem to be  
5 needed.

6           Sand dunes offer the unique quality in  
7 that frequent windstorms continually renew and  
8 refresh the dune system. Thousands of tons of  
9 sand are moved in minutes, more sand than OHVs  
10 could possibly move in several riding seasons.

11          In a matter of minutes, the landscape  
12 looks as it did 500 years ago. Repeatedly, it has  
13 been proven that duning can and does coexist with  
14 nature. Other forms of recreation are not so  
15 forgiving, like amusement parks. As more and more  
16 acres of land are closed, we'll be forced to use  
17 those other forms of recreation.

18          A popular misconception about the dunes  
19 is that it's 100 percent sand hills. While it's  
20 true that there are still 70,000 acres left open  
21 for us to ride in the ISDRA, a quick look at any  
22 detailed map will reveal that as much as 25 to  
23 30 percent of those areas are hard pack and not  
24 the type of terrain that we seek.

25          Our machines won't operate effectively,

1 and we pretty much avoid those areas anyway. As  
2 more and more families are crowded into fewer and  
3 fewer acres, it could become a possible hazard for  
4 our safety.

5           Another misconception is that the  
6 49,000 acres closed last November was exclusively  
7 milk vetch habitat. Nothing can be further from  
8 the truth. In reality, only about 15 percent of  
9 those 49,000 acres is milk vetch habitat.  
10 Clearly, that closure was not about protecting the  
11 milk vetch.

12           Another highlight I want to bring to your  
13 attention is that duning is becoming part of our  
14 culture. There are families that have been going  
15 to the dunes for decades. It's common to see  
16 three or four generations sitting around the  
17 campfire night after night sharing each other's  
18 company.

19           Thousands of families spend Christmas,  
20 Thanksgiving and Easter at the dunes. The value  
21 of this time spent with children and their parents  
22 and grandparents in today's environment of school  
23 shootings and violence, you can't put a value on  
24 that, but by no means should it be  
25 underestimated.

1           This is a part of our culture. We are  
2 bringing up our future generations. I don't know  
3 any other activity where the kids actually beg to  
4 go with mom and dad and go do something. Duning  
5 is one of those few things. I know. I've raised  
6 a couple of teenagers. That's just the way it  
7 is.

8           There's too many other activities for  
9 them to get involved in, and off-roading does one  
10 good thing. It teaches them to be responsible.  
11 It teaches them to be safe. It teaches them to  
12 take care of machines properly, respect other  
13 people's rights. It teaches the kids a lot of  
14 values that I just don't know how else to teach  
15 the kids.

16           That's about all I have to say. But I  
17 would like to see how this new decision goes.  
18 Thank you for your time.

19           MR. DENNER: It was pointed out to me  
20 that the topic of the Imperial Sand Dunes is on  
21 the agenda for this afternoon.

22           However, I don't think it's out of place  
23 for Vince to have spoken about the lawsuit and the  
24 Peirson's milk vetch issue because that won't be  
25 addressed, I don't believe, this afternoon.

1           What we're going to have presented to us  
2 then is the progress relative to the new  
3 management plan being written for the Imperial  
4 Sand Dunes. So we're probably not going to  
5 directly be involved in what's going on with the  
6 lawsuit and the Peirson's milk vetch plant.

7           So I notice there's several ASA people  
8 who want to speak. If you're going to speak about  
9 the lawsuit or the milk vetch problem or whatever,  
10 that's fine.

11           But if you're going to talk about  
12 anything relative to the management plan, it will  
13 be discussed this afternoon. So you probably  
14 should hold it until that topic comes up.

15           MR. SMITH: Mr. Chairman, I have a quick  
16 question -- this is Paul Smith -- for the last  
17 speaker. I noticed that the handout did not  
18 include the appendices or the survey map.

19           Was there a reason for that? Are they  
20 available elsewhere this morning?

21           MS. WARREN: We can get them to you. I'm  
22 sure it's just an oversight. We'll have them to  
23 you, and we can include it in part of the record.

24           MR. SMITH: Okay. Thank you.

25           MR. DENNER: Are there any other comments

1 from the council? Okay. The next speaker will be  
2 Vicki Warren, also from the American Sand  
3 Association.

4 MS. WARREN: Hi. I have just a couple of  
5 things, and then I do have to talk about the  
6 management plan. I have a couple copies of  
7 northwest and northeast proposed guidelines for  
8 OHV management. These were included in the  
9 Northwest California Resource Advisory Council  
10 meeting. I just wondered if this council is  
11 considering doing anything like that.

12 Yes? No? It hasn't come up?

13 MR. SALT: What she's referring to, and  
14 most of the council members may not be aware of  
15 this because I think as the council has evolved,  
16 there's probably very few people left on the  
17 council that remember when we developed the  
18 rangeland health standards and guidelines for  
19 grazing management as required by the new grazing  
20 regulations in 1996.

21 Throughout the Bureau of Administrative  
22 Lands in the rest of the country, a lot of ranch  
23 councils have decided that if we're going to have  
24 guidelines for livestock grazing, maybe we should  
25 have guidelines for some of these other uses as

1 well and have moved on to addressing those  
2 guidelines for other uses. And in the northern  
3 part of the state, they're working on the  
4 guidelines for off-road highway vehicle  
5 management.

6 In the past, the council has not  
7 expressed an interest in moving to that. If the  
8 council, you know, would like to address that now,  
9 that's certainly open to the council.

10 MR. DENNER: I'd like to suggest that we  
11 just table that for a moment and let Vicki finish  
12 with her discussion. And then after we've heard  
13 from the speakers, we can bring that up again and  
14 see if the council wants to take any action on  
15 that issue.

16 Okay?

17 MS. WARREN: Just so you understand my  
18 concern and all of our concerns, these particular  
19 guidelines were passed during a very brief session  
20 of the meeting. There were not a lot of people in  
21 attendance. It was done, "Here. What do you  
22 think of these?"

23 The council said, "I think they're  
24 great." Nobody in the background had anything  
25 they could say about it. We don't want that to



1 happen here. It's my concern that -- these are  
2 very recent. This was August 2nd, 2001. So these  
3 are very recent.

4 If it's moving down the state and through  
5 the organizations, I just want to make sure that  
6 we have a voice in that and that we're aware of  
7 it. So that's why I brought it up.

8 MR. SALT: I think generally the issue in  
9 Northern California is different than Southern  
10 California in many respects. But certainly, you  
11 know, off-highway vehicle use in Southern  
12 California is different than it is in Northern  
13 California.

14 I would expect that, you know, through  
15 the council's involvement and certainly through  
16 our involvement and our interaction with the  
17 community, that it wouldn't be anything that you  
18 didn't notice was happening.

19 MS. WARREN: Okay. As long as we're  
20 all -- I mean, I'll be aware because I'll be  
21 here. Okay. We have to talk about an issue that  
22 was discussed last time at length. You weren't  
23 there. It was discussing the missing meeting  
24 minutes.

25 I see that the Ridgecrest meetings

1 minutes are, as far as I can tell, up to par. The  
2 Riverside meeting minutes were finally posted. I  
3 wrote to Doran about this some time ago.

4 I know of three things that I personally  
5 addressed at that meeting in Riverside in April.  
6 And those three things are not in the minutes.  
7 Now, I don't know if there was a stenographer or  
8 not. I assume not.

9 I can understand people having to take a  
10 break every now and then. We all do that at the  
11 same time. But I have to go back to this dead  
12 horse. It just kills me that these things are  
13 missing. They were obviously important to me. I  
14 brought them up.

15 I wrote to Doran. I haven't heard back.  
16 We have a stenographer here now. I just want to  
17 make sure one more time that we are never going to  
18 have any of these issues.

19 I also want to find out how do I get  
20 those things that I discussed, and I have people  
21 here that were at that meeting with me, how do we  
22 get those back into the record?

23 MR. SALT: As you've seen at the last two  
24 meetings, as a result of the problems that I think  
25 have been off and on kinds of problems for some

1 time but especially became evident in the Barstow  
2 meeting last October while I was on honeymoon,  
3 there is a need to have a more complete record of  
4 the meetings, and we have a stenographer at each  
5 of the meetings now. I regret that you feel that  
6 the comments that you had at the Riverside meeting  
7 were not recorded.

8 MS. WARREN: I don't feel that way.  
9 They're not on there.

10 MR. SALT: Okay. I didn't mean to --

11 MS. WARREN: I know.

12 MR. RISTER: Mr. Chairman, Randy Rister.  
13 Might I suggest that -- Vicki said she has  
14 submitted those in writing in a letter. Could we  
15 get a copy of that letter and enter it into the  
16 official record so we know what was missing?

17 MR. SALT: That is what I was going to  
18 suggest.

19 MR. SANCHEZ: Submit them to the chair  
20 for approval and incorporation into the previous  
21 minutes.

22 MS. WARREN: Okay.

23 MR. KEMPER: Do we need a motion to that  
24 effect, or how is this going to be done?

25 MR. DENNER: Let me make a suggestion

1 before we go on here. I think we need to document  
2 first -- let's make sure it's on the record that  
3 we will receive a document from the American Sand  
4 Association from those people who made comments  
5 that are not in the minutes from the Riverside  
6 meeting.

7 That will be on the agenda for the next  
8 Desert Advisory Council meeting where the council  
9 will take action to make sure that those comments  
10 are officially part of -- whether they're in the  
11 minutes or not, that they are officially part of  
12 the record of that meeting.

13 MR. KEMPER: If the chair feels he needs  
14 a motion, I will make a motion to that effect.

15 MR. BETTERLEY: I'll second it.

16 MR. DENNER: It's not my decision whether  
17 a motion needs to be made. A motion has been made  
18 and seconded that we do indeed make sure that the  
19 comments from the American Sand Association people  
20 that were left out of the Riverside meeting will  
21 become part of the official record of that  
22 meeting.

23 Is there any discussion on that?

24 MR. SMITH: I'm a little troubled  
25 procedurally that this board, which is no longer

1 comprised of the number of people who were present  
2 at that meeting, seems to be in effect trying to  
3 correct some prior minutes. But I'm very  
4 impressed that you're here and want to make sure  
5 that those comments are read and understood.

6           So my preference would be -- I wasn't  
7 opposed to your motion, but my preference would be  
8 that those comments be submitted presently and to  
9 the present members that can be circulated and be  
10 treated as part of the minutes of this meeting.

11           MR. SALT: For clarification, and I'm  
12 asking as much as I'm answering him, you're  
13 concerned about comments that were submitted at  
14 the Riverside meeting, which was when this council  
15 was --

16           MR. BETTERLEY: It was our first meeting.

17           MS. WARREN: It was the first meeting I  
18 met any of you.

19           MR. REDDY: I would prefer that the  
20 motion be changed that way. While I was at the  
21 meeting, and I have fairly close to total recall,  
22 some of these notes have been rather extensive. I  
23 can't remember what everybody exactly said and  
24 what was left out. I would prefer that the motion  
25 be amended.

1           If you think there is something you need  
2 to say, submit it in writing, and it will be  
3 incorporated in the record, but not revise a note  
4 from something in the past that I have to test my  
5 total recall to see if I remember what you said.

6           MS. WARREN: Well, if you want to verify  
7 what I said, one of the comments was directed to  
8 Mr. Salt. The other two were directed to  
9 Roxie Trost, who will be here today also. Aside  
10 from the people that were here with me, they were  
11 direct comments to those people. I'm sure there  
12 will be recollection.

13          MR. DENNER: Motion-maker, relative to  
14 the comments so far, does your motion still  
15 stand?

16          MR. KEMPER: My understanding is that she  
17 has submitted that not only in comment but in  
18 writing.

19          MS. WARREN: I have.

20          MR. KEMPER: So there should be a record  
21 of what she submitted at the time. So if she'd  
22 like to resubmit that and have the minutes amended  
23 so that there's a proper time scheduled for her  
24 comments --

25          MS. WARREN: I'm very concerned about the

1 time.

2 MR. KEMPER: So am I. Therefore my  
3 motion stands. But it's with the understanding  
4 that there is a written document that you had  
5 submitted at that time.

6 MS. WARREN: I e-mailed Doran Sanchez. I  
7 have a copy of it.

8 MR. DENNER: Any more comments from the  
9 council on the motion? Okay. The motion stands  
10 as made. All those in favor raise your hand.  
11 One, two, three, four, five, six, seven, eight,  
12 nine. Nine in favor. For the record, nine in  
13 favor. Opposed? One opposed. Abstained? One  
14 abstained.

15 Should we identify who opposed and who  
16 abstained?

17 MR. SMITH: Paul Smith opposes on purely  
18 procedural grounds, and I look forward to seeing  
19 what you sent.

20 MR. REDDY: If it was actually in  
21 writing, I would think we ought to have been  
22 voting whether to accept it or not when we found  
23 out if it was actually submitted in time, if this  
24 is a verbal recollection of something. That's why  
25 I'm abstaining. I would rather have seen what the

1 evidence was before I'm accepting or not  
2 accepting.

3 MS. WARREN: Fair enough.

4 MR. SALT: If I might, to some extent,  
5 that's the answer to the question that's going to  
6 be asked at the next meeting. Because as I  
7 understand this motion, it was only to take action  
8 at the next meeting as to whether or not those  
9 comments should be included as part of the minutes  
10 from the Riverside meeting.

11 MR. REDDY: That isn't the way I  
12 interpreted the motion. I see the motion maker  
13 shaking his head. So I think he didn't interpret  
14 it that way either. I think the motion was to  
15 accept the comments. I was waiting to see whether  
16 we should have accepted them based on whether  
17 there was actually written evidence e-mailed to  
18 Doran. He's shaking his head that he doesn't  
19 remember an e-mail.

20 MR. SANCHEZ: I believe Vicki is  
21 referring to oral comments that were not properly  
22 recorded.

23 MR. REDDY: Right. If it's oral  
24 comments, I would suggest that they be submitted  
25 now.



1           MR. SANCHEZ: There was nothing in  
2 writing. They were all oral exchanges at the  
3 Riverside meeting.

4           MS. WARREN: Right. The only writing was  
5 immediately after they were posted on the board, I  
6 watched it closely on your website to see where  
7 they are.

8           Immediately after that when I discovered  
9 they were missing, I also asked some of the other  
10 members that were in attendance did they recall  
11 specifically what I recalled, just to make sure  
12 that I was not imagining this.

13           Then I wrote to Doran. That would be the  
14 only form. That's electronic communication. I  
15 understand it's not in writing. I'll submit  
16 anything in writing or I'll address it to  
17 Roxie Trost because she's here today. Whatever  
18 you prefer. I just want it on the record.

19           MR. KEMPER: I'm afraid I misunderstood  
20 what she told me.

21           What I thought you said is that you had  
22 given oral testimony and provided it in writing as  
23 well.

24           MS. WARREN: No. It was missing. I'm  
25 sure if I provided it in writing, I'm sure it

1 wouldn't have disappeared.

2           MR. KEMPER: Actually we have taken a  
3 vote and it is passed. But I think maybe  
4 everybody was as misled as I was. I think  
5 probably the more appropriate thing to do at this  
6 stage, if you didn't provide it in writing at that  
7 time, is to accept the testimony at this time.

8           MS. WARREN: Okay.

9           MR. KEMPER: If you want it on the  
10 record -- I don't know how the chair wants to  
11 handle this. But I think everybody thought there  
12 had been something submitted in writing as well.

13          MR. DENNER: No fair passing the ball  
14 back to me. I don't know what to do.

15          MS. WARREN: Roxie will be addressing in  
16 particular one of the matters that I asked her  
17 about. One of the other matters is a moot point  
18 because it had to do with the extension of time.  
19 It was directly addressed to you, and that's  
20 missing from the minutes. The other had to do  
21 with visitor count.

22          MR. DENNER: Okay. Here's what I'm going  
23 to do with it. I'm going to let the ball bounce  
24 down the table. We have a motion that has been  
25 voted upon. It's in the record, if any member of

1 this council wants to make a motion to modify that  
2 or change that or retract it or whatever.

3 MR. MC QUISTON: For the sake of moving  
4 on, I thought there was something submitted for  
5 the record. My motion would be to -- what's the  
6 correct word I'm looking for here?

7 MR. LEIMGRUBER: Dispense.

8 MR. MC QUISTON: Well, either suspend or  
9 set aside the motion we just made, for you to  
10 submit what your comments in writing.

11 MS. WARREN: Okay.

12 MR. MC QUISTON: When we meet next time,  
13 if discussion is needed or just to submit them in  
14 writing and they become a part of our record,  
15 whether or not they become a part of the minutes  
16 insofar as there's nothing in writing.

17 My recollection is like yours. I don't  
18 know what was said. But I think the key is to get  
19 them into the record.

20 MS. WARREN: Absolutely.

21 MR. MC QUISTON: I'd move to rescind the  
22 previous motion. You submit whatever your  
23 comments are in writing, and they'll be  
24 incorporated in our next agenda.

25 MR. DENNER: Is there a second?

1           MR. SMITH: I'll second the motion.

2           MR. DENNER: Seconded. Any discussion?

3 I think we've had enough discussion on this. All

4 in favor? Opposed? Abstained? It looks like,

5 for the record, it's a unanimous decision to

6 suspend that motion until the next meeting.

7           MR. SMITH: I just want to clarify what I

8 understood. The action was to suspend that

9 motion, and she would submit her comments in

10 writing for the next meeting?

11          MR. MC QUISTON: My motion was to rescind

12 the decision we made and to request that she put

13 those in writing, and it will be on the next

14 meeting's agenda for discussion. Then we can

15 decide if we want to incorporate them into the

16 minutes or if we just want to keep them as a

17 matter of the record.

18          MS. WARREN: Okay.

19          MR. DENNER: Okay. Vicki we are running

20 on 15 minutes right now.

21          MS. WARREN: I only have one thing, the

22 last thing I asked at the last meeting. We were

23 rushed for time. We were closing the doors. I

24 addressed it directly to Tim Salt, and I need to

25 address it again because I didn't get an answer.

1           The OHV management strategy that came out  
2 that was rushed through and many, many comments  
3 were received -- 14,000 comments were received,  
4 according to the count of the number of days, your  
5 office would have had to read 286 comments, think  
6 about them and decide what to do with them per  
7 day.

8           That's not humanly possible, I'm sure  
9 you'd have to agree, unless you've hired new  
10 people for this.

11           I want an answer as to how that can  
12 possibly be. How did our 14,000 comments have  
13 anything to do with the management strategy?

14           MR. DENNER: Now, did you allow for the  
15 Christmas and New Year's holidays in that?

16           MS. WARREN: No.

17           MR. SALT: The comments weren't addressed  
18 at the district office level. They were addressed  
19 at the Washington level. There was a team of  
20 people put together to do that. I'm not exactly  
21 sure, you know, how that was done.

22           I know that when I was the project  
23 manager on rangeland reform when I was in  
24 Washington, it was a much larger exercise than  
25 that, and we brought in hundreds of people to

1 review comments, and we easily read 280 comment  
2 letters a day. I can't tell you exactly how it  
3 was done.

4 MS. WARREN: So it was above you?

5 MR. SALT: Right. That was a national  
6 strategy. And the comment review and the analysis  
7 and everything was done at the national level.

8 MS. WARREN: So who would I ask at the  
9 national? Would that be Mike Pool?

10 MR. SALT: No. Mike is at the state  
11 level. I would address your comments to  
12 Jim Keeler.

13 MS. WARREN: Is he here?

14 MR. SALT: Yeah. He's the primary  
15 author, and I can get you an address.

16 MR. DENNER: I want to recognize that  
17 another BLM member of the audience has a comment.  
18 Roxie?

19 MS. TROST: I just want to help address  
20 this. I was a part of that team that reviewed the  
21 comments. There was a team of us, about 10, that  
22 worked four weeks straight from the time that all  
23 the comments started to be received.

24 All the comments were logged in. They  
25 were categorized as far as the type of input that

1 was received. But each and every letter was read.

2 MS. WARREN: So all 14,000 comments were  
3 read?

4 MS. TROST: All the comments were read.  
5 Anything unique was pulled out. In fact, I  
6 remember specifically reading Roy Denner's letter.

7 MS. WARREN: Can I ask one other thing?  
8 Is there a way to find out what the beginning of  
9 it and what the end result was? We all saw the  
10 end result because it happened so fast.

11 But what I would like to do is look at  
12 what the draft of the document was, get an idea of  
13 what those 14,000 comments may have changed. I  
14 asked about this last time too.

15 How is that possible? Who do I write to  
16 to get that? You understand what I'm trying to  
17 get to?

18 MR. SALT: Yeah. I think part of the  
19 confusion relative to the whole development of the  
20 off-highway vehicle management strategy -- I keep  
21 hoping that we're going to finally get this off  
22 the agenda since it's, you know, done now.

23 There was a lot of confusion early on  
24 because there was the outreach effort early on in  
25 the development of that strategy. That began in

1 June of 2000. There was no document. There was  
2 no concept.

3           It was, you know, tell us what you think  
4 we need to do to ensure that we can continue to  
5 have off-road vehicle use on public lands in an  
6 environmentally-responsible manner. Do we need  
7 new regulations? Do we need new rules? Do we  
8 need, you know, to just do a better job of  
9 implementing what we've got?

10           Those were the kinds of questions that  
11 were out there. That was difficult for a lot of  
12 people because most people are accustomed to  
13 responding to something rather than having an open  
14 slate.

15           So I think that created some real  
16 confusion and real problems early on in the  
17 development of the off-highway vehicle management  
18 strategy.

19           When it was originally proposed, that's  
20 all that was going to be allowed was that. And  
21 then based upon that, a management strategy was  
22 going to be issued.

23           As a result of public comments including  
24 the recommendations of this council, a draft  
25 strategy was put out for public review, albeit a



1 short public review, but a draft strategy was put  
2 out. And then a final strategy came out in  
3 December.

4 So those were the only two documents, and  
5 those are both public documents. Those have both  
6 been published and distributed for public view.

7 MS. WARREN: So it's easy for me to get  
8 that draft strategy?

9 MR. SALT: Right.

10 MS. WARREN: And that draft strategy was  
11 after how many scoping meetings where you took  
12 public comment on what should we do?

13 MR. SALT: I don't recall offhand. That  
14 information is in the document. I think there  
15 were -- that information is in the document rather  
16 than me trying to remember all of it.

17 MS. WARREN: Okay. I'll find it. That's  
18 all I have right now. Thanks.

19 MR. DENNER: I have no choice but to  
20 comment on this because I've been trying to get  
21 the record straight on that national OHV  
22 management strategy. It seems to be very simple  
23 and clear. It's in the minutes.

24 Mr. Salt and I spent probably a half an  
25 hour going around in circles on the telephone the

1 day before yesterday. Basically we have agreed to  
2 disagree. But a couple of comments.

3 First of all, Roxie, I didn't know you  
4 were involved in the final analysis of that  
5 document. I'll be anxious to discuss that with  
6 you when we have an opportunity.

7 Secondly, I want to close this off.  
8 We're running way over time. But I just want to  
9 say that it's absolutely clear to me that a draft  
10 of the national OHV strategy was released in the  
11 beginning of December. Thirty days was allowed  
12 for comment through the Christmas and New Year's  
13 holidays.

14 The final document was implemented. And  
15 I have been using the statement that it ignored  
16 the vote of this council. Mr. Salt has corrected  
17 me. It did not ignore the vote of this council.

18 It took into consideration the vote of  
19 this council and chose not to implement the  
20 recommendations, which is different than being  
21 ignored. So now the record is straight.

22 Okay?

23 The next speaker is Raf Rangel, ASA,  
24 American Sand Association.

25 MR. RANGEL: Rafael Rangel, thank you,

1 for the Sand Pirates of Orange County in the L.A.  
2 area. As many people, I've always been opposed to  
3 the closure of the Imperial County Sand Dunes.  
4 Thanks to the BLM, we've been able to use these.  
5 I have been using them for at least 30 years of  
6 that area.

7 I've watched the dunes north of the 78 be  
8 closed for the same conservation and stuff. I'd  
9 like to make a point that, you know, as well as  
10 the plants and animals, you know, we're out  
11 there.

12 If you're a pro-conservationist, I'd like  
13 you to take into context that the people are also,  
14 you know, part of that structure that have been  
15 using that for years.

16 I'm against totally the boundaries that  
17 they've set. Not from the outset that they set  
18 the boundaries, but in the ways that they've set  
19 the boundaries.

20 For the first time in about 20 years, I  
21 was involved in a head-on collision out in the  
22 Imperial County last year. And it was strictly  
23 due to a number of reasons. One is that you're  
24 condensing too many people into such a small area  
25 when we are used to being able to occupy the

1 area.

2           No. 2, in the some placement of these  
3 boundary posts, I don't know if anybody has taken  
4 into consideration that they're running them up  
5 blind hills rather than sending them down in  
6 lowlands or in, you know, easily-sightable areas.

7           My biggest concern is that that 20-acre  
8 closure that they're setting is in the middle of  
9 an open area, and they're making people basically  
10 try to drive around to get from one end of the  
11 sand dunes to the other, which has created roads  
12 roughly around these areas.

13           And you've got, you know, people just  
14 trying to get across. Not necessarily wanting to  
15 dune, but just get back and forth from one end to  
16 the other going up and back across these roads,  
17 you know, in different directions, which  
18 constituted a head-on collision that happened to  
19 myself, which was last year.

20           As for regards of the impact of the milk  
21 weed and the animals, everybody is all concerned.  
22 Rather than seeing what is not flourishing in  
23 these areas, I'd love to see some of the studies  
24 of what has flourished in the areas that you've  
25 already closed down. So basically that is all I

1 have to say. I just would like to see it  
2 constructed a little better.

3 MR. DENNER: Jerry Hiller, San Bernardino  
4 County.

5 MR. HILLER: Good morning. It's always  
6 interesting to stand on this side of the table  
7 than that side of the table. This is kind of an  
8 anniversary for me. It's nine years ago this week  
9 that I retired from the BLM and some say crossed  
10 over to the other side. At least I've continued  
11 my aspect of the BLM junkie and all that.

12 It's kind of interesting being here today  
13 and seeing this crowd of people here. It's kind  
14 of deja vu all over again. The names change and  
15 the faces change. But I can remember when I first  
16 arrived in Southern California about 25 years ago,  
17 the off-road vehicle issues on there are still  
18 here.

19 And in fact, even some of the same plant  
20 species are being discussed. So it's interesting  
21 that these dialogues have continued after this  
22 many years. Also it's interesting and in fact,  
23 it's very gratifying to see so many people here  
24 today.

25 I can remember many, many, many meetings

1 of the council that took place when there probably  
2 was many more BLM staff present at the meetings  
3 than members of the public. So it is an  
4 interesting transformation to have the public  
5 here.

6           Before I get to the specific comments I  
7 want to make this morning, I also want to take  
8 note of Harriet Allen. And probably Harriet  
9 singularly amongst everybody in this room,  
10 probably including me, has been to more of these  
11 meetings over the last 25 to 30 years than  
12 anybody. I just thank her devotion and dedication  
13 to public land issues.

14           Harriet and I haven't always agreed on  
15 everything. But I certainly admire her devotion  
16 and dedication and her input and her knowledge of  
17 the desert and its resources.

18           Harriet, thank you very much for still  
19 being here and speaking up and just  
20 participating. I certainly admire you.

21           I'm here today on behalf of the  
22 San Bernardino County. I'm the federal lands  
23 consultant with the county on a contractual  
24 relationship with the county. I understand there  
25 were a couple of issues that came up at the last

1 meeting relative to the county/BLM relationship.

2 I just wanted to respond to those.

3 I'm sorry that I wasn't able to be at  
4 your last meeting in June up in Ridgecrest.  
5 Unfortunately I was not here. The first relates  
6 to the utilization of the Barstow dump. It's a  
7 sanitary landfill. In fact, a very well-operated  
8 one in terms of coverage and operations.

9 At any rate, there were some comments in  
10 terms of the county's relationship with the BLM  
11 and the fact that the county had pulled the  
12 free-use permit from the BLM.

13 Some of this -- perhaps there was a  
14 correlation made at least with the county's  
15 ranchers. However, that really wasn't the case.  
16 The county changed supervisors in the first  
17 district this last year.

18 There really has been pretty thorough  
19 review of all of the decisions that have been made  
20 by the former supervisor, Kathy Davis, and the new  
21 supervisor.

22 There was a very conscious decision made  
23 that free use of the landfill because of the  
24 increased costs of operation for raven control and  
25 to comply with both state and federal regulations

1 simply require a steady income flow.

2           For all practical purposes, everybody  
3 else does pay to use the landfill, including the  
4 cities who use it. And Barstow is the regional  
5 landfill and accepting garbage from all the towns  
6 and communities and all the unincorporated areas.  
7 So essentially they're receiving all the solid  
8 waste from the region.

9           BLM is using the landfill primarily to  
10 dump that refuse that is picked up on public  
11 lands. While it's a noble purpose and it's also  
12 in compliance with the state and other kinds of  
13 directives, the fact of the matter is that even  
14 the city of Barstow has to pay to dump the refuse  
15 from the city.

16           It was the county's feeling that it  
17 actually rewarded those people who are dumping  
18 illegally and provided no disincentive for them to  
19 quit using the public lands to dump on.

20           The analogy was made relative to a  
21 private land owner, for example from the Newbury  
22 area, who might have 160 acres, and his neighbors  
23 were dumping on his private land. The private  
24 landowner can also be cited for having illegal  
25 dumping out there.



1           If he goes out and cleans it up -- even  
2 though it's not his source, if he goes out and  
3 fills up his pickup truck and hauls it into  
4 Barstow, he's got to pay just as if it was his own  
5 refuse.

6           So it's a matter of treating BLM just  
7 like everybody else in terms of dumping refuse.  
8 There's a cash flow issue that's probably the most  
9 significant thing. And there is a conscious  
10 decision made by the supervisor to put it on a  
11 cash flow basis.

12           The second issue that was raised, as I  
13 understand it, was the break-off of the  
14 cooperative agreement with the sheriff. The  
15 sheriff operates, as you know, as a separately  
16 elected official from the board of supervisors and  
17 the county offices and is not under the purview of  
18 the board.

19           I'm not, in my contractual relationship  
20 with the county, authorized to speak for the  
21 sheriff. However, I do know the sheriff has a  
22 very close relationship with the constituents on  
23 there. And I simply encourage the BLM to continue  
24 the dialogue.

25           I have been given at least some

1 indication that even though the formal cooperative  
2 relationship was canceled, that an ongoing  
3 communication -- and certainly no one who uses the  
4 public lands and private lands in the desert ought  
5 to fear that communication and activities are not  
6 still taking place.

7           The public is still safe. I think that  
8 even though the formal relationship has been  
9 broken off, I just encourage the BLM to continue  
10 to work over time to rebuild that relationship.

11           I can also say very positively that I met  
12 with Tim recently. We talked about some ways that  
13 BLM can go to improve the dialogue and increase  
14 the dialogue with local governments throughout the  
15 desert. He has, I think, spoke with  
16 Supervisor Posmus (phonetic) recently. So I think  
17 these things are going to work themselves out with  
18 time.

19           But I just wanted to state for the record  
20 the rationale behind it and also the fact that  
21 there are some steps being taken to overcome some  
22 of these concerns that the council expressed. I  
23 think with that, my comments are finished.

24           Let me look at my notes there. Oh. I  
25 did want to say one thing, and it does relate to

1 local government. Dennis, you commented that it  
2 isn't the BLM (inaudible). I think it's  
3 indicative of some of the concern that local  
4 government has in terms of how federal agencies  
5 relate to it.

6           Mr. Casebier cited the example that the  
7 OX Ranch has been recently purchased by a  
8 foundation and given to a park service and has  
9 been since put in motion there to basically  
10 obliterate that piece of history of this desert.  
11 It's sad, I think, for all of us. We all are  
12 losing something as that takes place.

13           But it's rather interesting that right  
14 after Supervisor Posmus was elected to office, he  
15 received a letter from the superintendent of the  
16 Mojave National Preserve.

17           It said "Congratulations on your  
18 election. We look forward to working with you.  
19 By the way, we've purchased this ranch and have  
20 begun to liquidate it." And then for a closing  
21 paragraph was an "Oh, by the way. The roads are  
22 going to hell out in the preserve. Can you please  
23 bring your motor patrol out and do a better job of  
24 maintenance."

25           The irony of that is, of course, after

1 having liquidated a share of the tax base in the  
2 area, the federal government still expected the  
3 same degree or improved county services. There is  
4 a program called payment in lieu of taxes.

5           But when a county exceeds 50,000 people  
6 or exceeds about 1.3 million acres, that amount  
7 gets tapped. San Bernardino County, which is one  
8 of the largest counties within the United States  
9 with 7.5 million acres of entitlement only gets  
10 about 15 cents an acre for the program.

11           By liquidating the OX Ranch and all that,  
12 the demand for the public services still remains.  
13 For the park service to have asked the county for  
14 services having liquidated part of that tax base,  
15 we found somewhat insulting.

16           I relate that as a cautionary tale  
17 because local government is a player and does  
18 represent a significant number of constituents. I  
19 think it's good.

20           And it's one of the things that probably  
21 in my nine years since I've been away from the BLM  
22 have become increasingly sensitized to that. In  
23 fact, messages which are given by BLM and other  
24 government agencies in good faith and with the  
25 thought that you're doing good sometimes do have

1 consequences that as a land official you don't  
2 think about. It's just simply a cautionary tale  
3 saying they do have impacts, and be sensitive to  
4 those impacts. Thanks.

5 MR. SALT: Real quickly to follow up on  
6 Jerry's comments to set the record straight, I  
7 think there's a perception that because there's a  
8 difference relative to Supervisor Posmus' approach  
9 on landfills and Sheriff Henrod's approach on the  
10 (inaudible), that there's a general discord  
11 between BLM and the county of San Bernardino.

12 I'd just like to set the record straight  
13 and say that I think with the exception of those  
14 two issues, we have an excellent relationship with  
15 the county on a number of fronts. They're a very  
16 active member in the development of the West  
17 Mojave plan.

18 We're very actively involved with them in  
19 the Cadiz project, which we'll hear about later  
20 today. And we have been for years on issues, many  
21 others that I can't think of right offhand. I  
22 think generally our relationship with San  
23 Bernardino County is excellent, and we look  
24 forward to continue working with these officials  
25 to get those back on track as well.

1           MR. DENNER: We have one more speaker.  
2 We're running real late. Tim Novak from ASA and  
3 AMA.

4           MR. SMITH: Mr. Chairman, if I can make  
5 just a brief comment before the next speaker. I'm  
6 a public-at-large member, Mr. Hiller, on this  
7 council. I'm also chair of the Morongo Basin  
8 Innkeepers Association, and I really appreciate  
9 your coming here today and expressing these  
10 sentiments because there was quite a concern among  
11 the tourism industry that there would be a decline  
12 of public services as a result of some sort of  
13 friction. I think on behalf of that constituency  
14 in the Morongo Basin, I would encourage you to  
15 keep that flowing properly. Thank you.

16          MR. NOVAK: Hello. My name is  
17 Tim Novak. Unfortunately, I seem to be spending  
18 an unusual amount of time reading and coming to  
19 meetings and trying to digest information that's  
20 given to me so I can defend my right to recreate  
21 on so-called public lands.

22               When I came to the meeting today, I just  
23 wanted to try to listen. I didn't plan on  
24 speaking, but Mr. Ellis made a few comments that  
25 kind of got me thinking.

1           The EA policies that I try to digest seem  
2 to be a tool to shut down recreation  
3 opportunities. It seems to be like a back-door  
4 attempt. I'm not sure if they're interested in  
5 saving the species or just eliminating off-road  
6 recreation on public lands.

7           When Mr. Ellis started talking about his  
8 friend who was rescued, I was wondering, did they  
9 do an environmental impact report on the cost and  
10 the damages caused from these search and rescues?  
11 It seems like I hear about quite a few of these  
12 hikers.

13           I wanted to know if this is a problem,  
14 that maybe we needed to have immediate closure in  
15 the wilderness areas for hikers until we can get  
16 an accurate assessment of what it takes to get  
17 people out of these areas.

18           It seems like there's quite a bit of  
19 resources used. And all expenses are waived, and  
20 they pull out all the stops to try to save one  
21 person. It seems like off-roaders should have the  
22 same type of rights and be able to do what they  
23 want to do on public lands within reason. You  
24 seem to be pretty happy about how they went about  
25 doing that.

1           And to go even further, are there  
2 environmental impact reports or EA assessments  
3 done on actual closures themselves? I'm not sure  
4 if helicopters flying over, signage across the  
5 dunes, fences around things are an appropriate  
6 impact on the environment as well. It seems like  
7 sometimes these solutions might create a bigger  
8 problem than what they were trying to accomplish  
9 in the first place. Thank you.

10           MR. DENNER: We're going to have a very  
11 brief comment from Mr. Salt, and we'll take a  
12 break.

13           MR. ELLIS: How about me?

14           MR. DENNER: I'm sorry. Mr. Ellis.

15           MR. ELLIS: I agree with that concern  
16 about helicopters in the wilderness. I'm a big  
17 wilderness person. I generally oppose mechanical  
18 stuff in the wilderness. I don't want to get into  
19 a discussion of rights and wrongs on issues like  
20 this.

21           I do know that the BLM has a whole lot of  
22 resources down in the sand dunes helping people  
23 out as well, if not a full-fledged rescue effort  
24 when that's needed and all across the desert.

25           My message today was about cooperation.



1 I believe that our responsibility here as an  
2 advisory group is to try to find ways to cooperate  
3 between San Bernardino County, federal agencies,  
4 between competing groups for our natural resources  
5 and our recreation resources in the desert.

6           So I'm committed to that. Wherever I  
7 hear opportunities to foster that cooperation and  
8 coordination, I support that. Thanks a lot.

9           MR. NOVAK: If I can just make a quick  
10 comment to that. My point being is that if it was  
11 hanging over your head that you had to go into a  
12 wilderness area -- you mentioned that they have  
13 search and rescue or they have help out in the  
14 dunes. That's on open area.

15           If you had the threat of closure for  
16 hikers going into area that are already closed to  
17 us, you would have as many people here as we do if  
18 you had that threat hanging over your head.

19           If you tried to get your committee  
20 together and you told them just one person got  
21 lost out in the middle of nowhere, and they had to  
22 send in the search and rescue, that entire area  
23 would be closed down. That's what we're facing.  
24 It's not an issue of cooperation. We're trying to  
25 cooperate.

1           MR. DENNER: I hate to delay the break  
2 any more, but I have to jump in here and point out  
3 the simple fact that OHV recreation pays its own  
4 way. Every person that's out there that is riding  
5 in the dunes or on public lands has paid a fee.

6           In fact, they pay two fees. They pay a  
7 registration fee for the privilege of riding a  
8 vehicle in legal riding areas, and they are now  
9 paying an additional fee just for the privilege of  
10 camping on the spots that they were riding in. So  
11 all those vehicles, the emergency vehicles, are  
12 paid for by OHV recreation.

13          MR. SALT: I just had one other comment.  
14 In thinking about what I was going to say in  
15 responding to other council members, I forgot a  
16 very important announcement.

17          Some of you may remember Carol Labiski  
18 (phonetic) who was our public (inaudible) officer  
19 in the district, the position has been vacant for  
20 over a year and a half now. Doran has been very  
21 admirably trying to do both jobs and doing an  
22 excellent job at it.

23          We did fill the position. We now call it  
24 the deputy district manager for Outreach. The  
25 program will be expanded to be beyond just public

1   affairs, but also to try to get more involved in  
2   the community through the Outreach program.

3               I'd like to introduce Steve (inaudible),  
4   who is the new deputy district manager for  
5   Outreach. You'll all be working with him in  
6   future endeavors. Doran will still be the primary  
7   contact for council activities, but Steve will be  
8   involved as well.

9               MR. DENNER: Now we're going to take an  
10   exact 10-minute break. I'm going to be here  
11   hammering the gavel on somebody in 10 minutes from  
12   now.

13               (Brief recess taken.)

14               MR. DENNER: I have a couple procedural  
15   things first. The first one is for the council  
16   members. Somebody from the audience came to me  
17   during the break and said that because we have a  
18   fairly large audience, everybody can't see the  
19   nameplates.

20               In fact, in some cases all they're  
21   hearing is voices coming out of the speaker, and  
22   they're not sure which council member is even  
23   speaking.

24               So because of the size of the group, if  
25   we get the same group back again, I'd like to

1 request that when council members make a comment,  
2 state your name first so they know who is  
3 speaking.

4           Okay?

5           The second one I think you might like. I  
6 don't know. There's been a suggestion that -- we  
7 have written reports from the field managers  
8 already. With a couple of exceptions, you know,  
9 we've probably all read these field reports  
10 already. So there has been a suggestion to speed  
11 things up, maybe we would in most cases just take  
12 those field reports with us.

13           And the two exceptions are Molly has some  
14 things to say, and Jim Kenna needs to respond to  
15 some of the questions about the Coachella Valley  
16 Management Plan. So we would hear some comments  
17 from those two field managers. If everybody else  
18 is satisfied with the written --

19           Hector, do you have a question? You want  
20 to have just a short shot anyway? Okay. Well,  
21 we'll keep the field manager reports short, unless  
22 the council members have any questions.

23           MR. ELLIS: I want to be sure Jim covers  
24 the issue of the EA at the bighorn sheep  
25 research.

1           MR. DENNER: Okay. So the idea is that  
2 we have the written reports. So there's no need  
3 to repeat a lot of that stuff. But if you want to  
4 introduce yourself and make additional comments,  
5 that's what we're going to do.

6           Hector, do you want to start?

7           HECTOR: Okay. Where do I stand?

8           MR. DENNER: There's microphones on.

9           HECTOR: I just want to give an update on  
10 Surprise Canyon. I think everyone here is pretty  
11 interested in knowing what the next step is.

12           We have submitted a task order to our  
13 general services administration contractor, and  
14 they are looking to do a third-party environmental  
15 review for Surprise Canyon for the next step.

16           The other thing I want to let you know is  
17 that Mother Nature has already entered into the  
18 picture at Surprise Canyon. Maybe it didn't like  
19 what the BLM was doing out there. Maybe it didn't  
20 like what the lawsuit was bringing us.

21           But it rained heavily out in the canyons,  
22 and it washed out everything, the barriers that we  
23 had put up. We just barely got our rangers in  
24 with connection with the rescue effort that was  
25 going on too.

1           But basically, all the roads have been  
2 washed out. All the barriers have been washed  
3 out. So we're having to deal with Mother Nature  
4 too along with lawsuits. So that's the update.  
5 Thank you.

6           MR. DENNER: Any council member questions  
7 for Hector? Tim?

8           MR. KEMPER: Ron Kemper, renewable  
9 resources. Hector, the road damage and the  
10 opening of those roads, typically how long does it  
11 take you to get those roads reopened up? Do your  
12 crews do it? Does the county do it?

13          HECTOR: Is this microphone on? Yeah?  
14 Okay. I did a little investigation on that.  
15 People that live in the area and work in the area  
16 tell us that these flash floods occur  
17 periodically. It might be one year apart. It  
18 might be four or six years apart.

19          When they are apart in time, usually some  
20 of those roads are opened back up by OHVers, and  
21 basically very little equipment is needed. There  
22 is one county road that's out there. I don't know  
23 if the county will come in.

24          The county appeared to maintain that road  
25 prior to the flash floods that we just had. I

1 expect the county -- and that's probably Indio  
2 County. I expect that they will be working that  
3 area. I don't know how soon. There isn't that  
4 many members. I think the nearest area where  
5 there's a little bit of settlement is  
6 (inaudible).

7 MR. KEMPER: Hector, is there a vehicle  
8 by which we compensate the off-road users for  
9 opening back up the road for public's use?

10 HECTOR: No.

11 MR. KEMPER: So it's just a benefit that  
12 we derive from this off-road community?

13 HECTOR: The roads that I've seen out  
14 there, some of them are used more than others, if  
15 I may say that. It all depends in that Surprise  
16 Canyon area. Most of the road was washed out  
17 already. So there was detours that resulted. So  
18 I expect people will want to reestablish that  
19 area. Detours may result. The problem that will  
20 be how much of a detour (inaudible) that's in  
21 there.

22 MR. KEMPER: Hector, do you have in your  
23 district, in your management area also, livestock  
24 producers that will also open up those roads?

25 HECTOR: Not in that area. Most of the

1 livestock grazing is occurring in Ridgecrest along  
2 the eastern Sierra flanks out there and north of  
3 the Little Lake area, other than the livestock  
4 grazing that had occurred before.

5 MR. KEMPER: I meant in your district.  
6 Not just particularly in the area that rained.  
7 What I'm trying to establish is overall in your  
8 district, you do have some livestock producers,  
9 and do they also maintain these roads?

10 HECTOR: They will maintain trails that  
11 they need for their livestock operation.

12 MR. KEMPER: And that's at no cost?

13 HECTOR: Generally, they are responsible  
14 if they want to keep those roads open. The BLM  
15 does not have much of a budget for road  
16 maintenance. We have got basically one  
17 maintenance person for 1.8 million acres of land.  
18 Right now I'm trying to get one helper.

19 MR. KEMPER: So it's truly a cooperative  
20 effort.

21 HECTOR: It definitely requires  
22 cooperation from everybody who maintain those  
23 roads.

24 MR. KEMPER: Thank you.

25 MR. DENNER: Geri Ferguson, who is with



1 Cal Four-Wheel Drive and who is very active in  
2 that area has a comment relative to Hector's  
3 report.

4 MS. FERGUSON: I just wanted to make the  
5 comment that the California Association of  
6 Four-Wheel Drive Club has an understanding with  
7 both the Ridgecrest field office and Barstow field  
8 office to help maintain and keep all the roads  
9 that are currently being used open for public  
10 use. That's what we do. So if there is a storm  
11 like that, that's what we do. We go out and fix  
12 those roads and trails out there with volunteer  
13 time.

14 MR. KEMPER: Once again, Ron Kemper. I  
15 think it's wonderful that the off-road community  
16 does that for the benefit of the public, including  
17 hikers that want to get into the wilderness and  
18 that sort of thing. I want to applaud you.

19 MR. DENNER: Okay. Tim, do you want to  
20 go next?

21 MR. REED: For the record, I'm Tim Reed.  
22 I'm the field manager of the Barstow office. I do  
23 wish to supplement my report that I submitted  
24 previously with the secretary's notation on  
25 National Public Lands Day. It's the 29th of

1 September.

2           The Barstow field office does have an

3 event that's going to take place in the California

4 mountains just outside of Barstow. The secretary

5 says, "Please support National Public Lands

6 Day on Saturday, September 29th.

7 On this day volunteers help improve

8 our parks, forests and lakes and

9 other public lands where Americans

10 go for recreation and learning more

11 about the department's commitment to

12 the four "C's": Communication,

13 cooperation, consultation all to

14 the service of conservation.

15 The project is a win-win situation.

16 (Inaudible) for new and lasting

17 relationships with volunteers and

18 communities are fostered. A greater

19 understanding of the problems of land

20 management is realized, and a lot

21 of fun is had by all of those who

22 spend the day in the great outdoors.

23 Please join us on the 29th."

24           MR. DENNER: Council members, any

25 questions for Tim? Bob?

1           MR. ELLIS: Bob Ellis. I understand  
2 there's also another work project that the Needles  
3 office is doing. I thought it was public lands.  
4 They related in Kingston Wash in the middle of  
5 October. So there's another opportunity. Maybe  
6 you could be more exact on when that is.

7           MR. DENNER: Okay. What else?

8           MR. RISTER: Randy Rister. Tim, you also  
9 indicated that there was road repairs in the  
10 report on (inaudible) and El Mirage. How is that  
11 being paid for?

12          MR. REED: Those are all within our  
13 off-highway vehicle areas. So the base money for  
14 the use of the grader on those roads would be with  
15 the green sticker grants that we received from the  
16 state of California.

17          MR. RISTER: Do you happen to know what  
18 the cost projections are for that repair?

19          MR. REED: Not offhand, but I can get  
20 those for you.

21          MR. RISTER: Thank you.

22          MR. DENNER: Any more questions for Tim?  
23 Thank you, Tim.

24          Roxie, are you going to give a general  
25 report for Greg, or are you just going to do

1 the --

2 MS. TROST: I'm here for the general  
3 report just to answer any questions. I submitted  
4 the written.

5 MR. DENNER: Okay. Greg Tompson is the  
6 manager in El Centro. He's unable to be with us  
7 today. So if there are any questions from the  
8 council for the El Centro district, we can address  
9 them to Roxie.

10 MR. RISTER: Randy Rister again. I would  
11 just like to clarify one issue. On the  
12 environmental assessments, you indicated or Greg  
13 indicated there was one for Painted Gorge. He  
14 also indicated there was one for the camping  
15 closure on the east (inaudible). Let me clarify  
16 something.

17 Were there not an additional five  
18 closures in the dunes area that recently  
19 occurred?

20 MS. TROST: Right, Randy. That's the  
21 first one.

22 MR. RISTER: Okay. I see. Wasn't there  
23 also an additional one down by Gordon Wells for  
24 the flat-tail horn lizard?

25 MS. TROST: Right. An analysis was

1 conducted previously during the Herman Schneider  
2 Memorial Bridge environmental assessment. That  
3 closure was tied directly to the mitigation and  
4 the environmental assessment.

5 MR. RISTER: Also in relationship to the  
6 flat-tail horn lizard, are there any additional  
7 projected EAs coming about either in the Yuma  
8 area, in the Westminster area or the Ocotillo  
9 related to the flat-tail horn lizard or even the  
10 east mesa?

11 MS. TROST: Right. We had started,  
12 Randy, and I have that listed under the flat-tail,  
13 the environmental assessment for the flat-tail and  
14 including the management strategy. You'll see  
15 that coming to light within the next few weeks  
16 with an updated schedule.

17 MR. RISTER: Thank you.

18 MR. DENNER: I want to make a comment for  
19 the benefit of the people attending relative to  
20 the flat-tail horn lizard. There was an issue  
21 over the flat-tail horn lizard several years back  
22 that many members of the OHV community teamed up  
23 on when it was attempted to list that as a  
24 threatened and endangered species and restricting  
25 OHV use in its habitat, which covers all of the

1 flatlands in the El Centro area. And as I  
2 understand it, the Ocotillo Wells ISDRA is  
3 considered to be an ideal habitat for the  
4 flat-tail horn lizard.

5           At that time, the off-road community and  
6 other people in the community around El Centro  
7 were involved as well. And as I understand it,  
8 they were able to fight back at that move to list  
9 the flat-tail horn lizard. That's been several  
10 years now.

11           Guess what? It's coming back again. The  
12 same agencies that caused the lawsuit that closed  
13 the areas of the sands dunes, as I understand it,  
14 have made an appeal to the court to readdress the  
15 issue of listing that flat horn tail -- flat-tail  
16 horn lizard.

17           And a judge has reversed -- correct me if  
18 I'm not correct in this, but this is generally how  
19 it has gone. A judge has reversed the earlier  
20 decision, and it is now back in the hands of the  
21 secretary of the Interior to decide whether or not  
22 they're going to go again for listing that  
23 particular lizard.

24           If they do, the impact on OHV recreation  
25 out in that area, including Ocotillo, is going to

1 be pretty significant.

2 Is that a true summary, Roxie?

3 MS. TROST: That's true, Roy. We're

4 looking at it through the management plan. I'll

5 get to that a little bit later this afternoon in

6 trying to address that now.

7 MR. DENNER: Okay. Is that pretty much

8 the case?

9 MR. SALT: Yeah. I think that's fairly

10 accurate. I would like to point out the bureau

11 was very instrumental as well in developing the

12 management strategy to deal with management

13 species without listing the species.

14 We'll see where this comes out. You

15 know, it is back for a reevaluation to determine

16 whether or not the species should be listed.

17 MR. DENNER: That's true. I give credit

18 where credit is due. The Bureau of Land

19 Management was instrumental in preventing that

20 from getting listed at the time.

21 But that was before the environmental

22 extremists, the organizations, conducted their

23 lawsuit campaign, you know. And now the bureau is

24 so busy responding to those things, you know, that

25 I suspect that we're not going to get a lot of

1 help with preventing it from getting listed this  
2 time.

3           Okay. Any more questions from the  
4 council members for Roxie?

5           MR. KEMPER: One for you, Roy. I'm not  
6 sure you're wearing the right hat.

7           MR. DENNER: Oh. Sorry about that.

8 Okay. I'm going to have to repeat everything I  
9 said.

10          Anybody else?

11          MR. ELLIS: I have the same hat comment.

12          MS. TROST: Thank you. And we look  
13 forward to hosting the DAC meeting in December.

14          MR. DENNER: Thanks, Roxie.

15          Okay. Molly, do you want to be next?

16          MS. BRADY: Hi. I'm Molly Brady. I'm  
17 the Needles field manager. I just want to say  
18 that this has been a fun meeting. I particularly  
19 think part of it, Roy, is because of you and the  
20 hats. It's a really unique procedural approach to  
21 things.

22          I did put some more copies out of the  
23 Needles report on the table. Some members of the  
24 public didn't get it. Also, one of my items  
25 happened to be on the California Department of



1 Fish and Game proposal for (inaudible).  
2 I have a copy of the initial notice of  
3 proposed action which we issued on that, which is  
4 basically a scoping document. We do request  
5 comment. So I'll put some of those out. I  
6 believe everybody on the council received a copy  
7 of that. If you didn't, before I put it out, I'll  
8 give you a copy.  
9 Thank you, Bob Ellis, for pointing out  
10 that we also have a Public Lands Day event at  
11 Kingston Wash to do the permanent marking. We're  
12 hoping for a turnout of a number of different  
13 interests.  
14 There's wilderness interests. There's  
15 the Board of Wilderness. There's interests on the  
16 part of the OHV community because we are trying to  
17 get this accomplished. We will get it  
18 accomplished prior to the L.A. (inaudible) event  
19 this year.  
20 They will be using the Kingston Wash. So  
21 I'm looking forward to a lot of people. That will  
22 be October 27th and 28th. That's a weekend.  
23 I would also like to say that a lot of  
24 things that I say will resonate. I always want to  
25 respond to all of them. But I must respond to

1 Jim Reddy. This is coming on to his last  
2 meeting.

3           When he talks about the Outreach  
4 initiative and the needs for the extensive  
5 outreach, it is a continuing challenge. I really  
6 think that this advisory council should take those  
7 comments seriously. And of course, the BLM should  
8 take them seriously.

9           I'm really very happy. We have  
10 Steve Raso on, and we're taking a much more  
11 focused approach in the bureau at looking at  
12 Outreach issues and dealing with all of our  
13 constituent bases. It is extremely important.

14           I've been going to these meetings not  
15 quite as long, not nearly as long as Harriet, but  
16 I've heard continual concerns about our efforts of  
17 Outreach.

18           I think some of the things that  
19 Vicki Warren said relative to getting the comments  
20 at the meeting in the minutes from the meeting,  
21 other people have said to me, "I didn't get  
22 notified of the meeting early enough."

23           Many of these things are procedural  
24 issues. I noticed in your group, you've been  
25 struggling also with procedural issues on how you

1 also operate. So I think that I'd also -- I love  
2 it. I get up here and I make recommendations to  
3 you.

4 But I would recommend that you focus very  
5 hard and maybe have a subgroup of your group to  
6 talk about how you're going to operate effectively  
7 and what we need to do to help you do that.

8 So that's just sort of my opening  
9 remarks. The real reason I have something to say  
10 here was that as you know, grazing has been a  
11 very, very important issue for the BLM and for me,  
12 among other field managers this summer.

13 At your last meeting based on a motion  
14 from Ron Kemper, who, of course, is the lessee of  
15 the Horse Thieves Springs allotment in the Needles  
16 field office, there was a motion to extend the  
17 NECO and NEMO time frames to November 1.

18 I'd like to say that I really welcome  
19 that change. In fact, I was probably running  
20 around behind the scenes saying that I really  
21 think we ought to. There are a number of  
22 reasons.

23 I think that was a very important thing  
24 to do, and it wasn't just because of the grazing  
25 issue that, of course, was a primary concern of

1 Ron's.

2 But also at the time and still, it seems,  
3 we have a large, large workload, overload issue  
4 within the bureau in Southern California in  
5 working on all of those various environmental  
6 assessments. You've heard a lot about a lot of  
7 them related to the lawsuit as well as all the  
8 planning efforts going on.

9 We've been having West Mojave meetings on  
10 the route designation process. You're going to  
11 hear a little bit about the dunes resource  
12 management planning under way.

13 A lot of things have been on our  
14 shoulders to get these things done as well as on  
15 the public. The public has been, to me, somewhat  
16 overwhelmed with a lot of documents to review and  
17 respond to. So I think it was a very wise thing  
18 on behalf of all members of the public not just  
19 the need for the grazing interests.

20 In addition, the public -- summer is not,  
21 of course, a good time to go out and look at  
22 routes, if you want to review some of the  
23 proposals for route designation.

24 So by moving this forward to November 1,  
25 we provide, I think, some valuable time for folks

1 to really quickly review and comment on the  
2 NECO -- that's the Northern Eastern Colorado plan  
3 and effort. And NEMO is the Northern Eastern  
4 Mojave plan and effort, for the record. It's  
5 really valuable for that.

6 But one of the other reasons and one of  
7 the things I would like to present today before  
8 the council and ask for an action on behalf of the  
9 council is related to the grazing issue.

10 The bureau has been quite focused as a  
11 result of the lawsuit and the grazing interest,  
12 have been quite focused as a result of the  
13 lawsuit, on the short-term interim pending  
14 completion of plans measure of how we're going to  
15 manage the livestock grazing during this interim  
16 period until we've completed our consultations  
17 under the Endangered Species Act and completed our  
18 plan.

19 That focus, unfortunately, to me, has not  
20 given us enough time to really think strategically  
21 about where we are going with the long-term  
22 livestock grazing.

23 In both the NECO and NEMO plans, we had  
24 proposed for the long-term a management strategy  
25 that would end desert tortoise habitat, require

1 that the grazing interests that the livestock  
2 lessees would remove their cattle if the forage  
3 was reduced or forage was less than 230 pounds.  
4 That was based on some scientific information on  
5 where there was competition between the desert  
6 tortoise and the cattle.

7           There are, I think, a number of problems  
8 with that approach. First, I think that it was  
9 developed with a very narrow amount of input from  
10 grazing interests and from other members of the  
11 public.

12           It was really an approach that was  
13 defined among fish and wildlife service,  
14 biologists and some interests within management as  
15 well as the range management specialist within the  
16 Bureau of Land Management.

17           That particular proposal was identified  
18 as being almost as problematic for the grazing  
19 interests as they have identified the current  
20 closure that we're proposing now.

21           I would like to avoid that kind of  
22 controversy and contention and uncertainty  
23 associated with the grazing strategy. So I was  
24 interested in maybe exploring it further with the  
25 grazing interests.

1           I also talked with a number -- I always  
2 call myself a Mollyana because I'm always very  
3 optimistic that there's a win-win situation in  
4 every case on an issue if we bring all the right  
5 interests together and they're able to say what is  
6 my real interest here.

7           And I talked to a number of folks  
8 actually during the grazing hearing, researchers  
9 and wildlife biologists and grazing interests,  
10 about the idea of pulling together a team  
11 basically as a subteam to report back to this  
12 unit, the district advisory council and the Bureau  
13 of Land Management, to see if they could come up  
14 with a grazing strategy that would work in the  
15 long term for everyone.

16           I'd like to say also that the research  
17 folks that I talked to were very interested in  
18 being involved in that, because they said there is  
19 a lot of information and research that needs to be  
20 done relative to grazing and relative to a lot of  
21 other multiple impacts such as the burros. We've  
22 heard that also, and how can we take into account  
23 those multiple impacts.

24           I also forgot to mention that I heard  
25 also from some of the biologists that the

1 260 pounds of forage may not be -- maybe it's too  
2 simplistic a way to look at it. You need to look  
3 at the nutritional value.

4           So altogether, I'm sort of throwing it  
5 out to you. I would like to propose that you  
6 consider establishing a technical review team  
7 subgroup of the district advisory council and  
8 invite as participants in that a number of  
9 research interests, environmental interests,  
10 county interests -- and if I missed it, of course,  
11 the grazing interests -- to participate in that  
12 group and to come up with a long-term strategy  
13 that is perhaps a win-win situation for everyone.

14           MR. DENNER: Molly, I'd like to ask Ron  
15 to comment on that first, since he's our primary  
16 grazing guy, you know, and see how he feels about  
17 that idea.

18           MR. KEMPER: I can only speak for myself  
19 as one of the allottees. I guess I have a couple  
20 of questions, and I'll try not to take up too much  
21 time.

22           First of all, as Molly well knows, I have  
23 always been in favor of coming up with long-range  
24 solutions that are truly workable, not only for  
25 the resource but for the allottees and also for a



1 wide variety of uses on public land.

2           At the last meeting I had conveyed to  
3 Mr. Salt, Tim, that I had hired a range  
4 specialist, that he would be down between the 13th  
5 and the 15th.

6           The original consultation date that was  
7 asked for, the BLM wasn't able to be met. As a  
8 matter of fact, several ranchers weren't even able  
9 to be contacted. I believe there's been an  
10 alternative date for the 13th and 14th of next  
11 week for consultation. I don't know what effect  
12 your issuing decisions prior to consultation will  
13 have.

14           But my last conversation with the range  
15 specialist was I think the meeting with the BLM on  
16 the 13th and 14th that I might have to put off our  
17 meeting for a week or so. And he wasn't sure if  
18 that would fit into his schedule.

19           So, you know, we've got problems in  
20 dealing with the short-term issue that are  
21 affecting the long-term and how we're going to put  
22 that process together and get enough input to come  
23 up with an intelligent alternative that's  
24 well-informed.

25           My first concern is do we know -- is it

1 the bureau's position that they want to start  
2 consultation after issuing the decision? If so,  
3 is it their attempt to use that 13th and 14th  
4 date?

5 If so, what are we going to do in a  
6 concession to afford us time since we haven't  
7 worked through the short-term issue to deal with  
8 the long-term issue?

9 MR. SALT: The bureau is always open to  
10 meeting with the permittees at any time. We still  
11 have the 13th and 14th on our calendar. We hope  
12 to meet with you at that time.

13 I think it's important to keep the two  
14 issues separate. I mean, the issues you raised  
15 seem to be the mechanics of how we're going to get  
16 this done in the allotted period of time.

17 I think the question for the council is,  
18 is this an approach the council will support? If  
19 it's an approach the council will support, I think  
20 we can work through it.

21 MR. KEMPER: If the question to me is if  
22 I'm supportive of coming up with an alternative  
23 plan, I think I was the one that made the motion.  
24 So, yes.

25 MR. DENNER: Let me see if I understand

1 where we are here. Your concern is, if I  
2 understand it correctly, that it may be premature  
3 for the council to put together a team to get  
4 involved with long-term grazing management plans  
5 prior to the solution of the short-term problem.

6 Is that it in a nutshell, Ron?

7 MR. KEMPER: Absolutely not.

8 MR. DENNER: Oh.

9 MR. KEMPER: My concern, as far as from  
10 the livestock producers, is we already have  
11 scheduled -- when we asked for the November 1st  
12 deadline, we had scheduled a work period starting  
13 the 13th of this month. That now has been  
14 sidetracked because we're now having to deal with  
15 the short-term issue in that same time period.

16 You know, we're required to meet and  
17 consult as quickly as humanly possible. And  
18 that's what we're trying to achieve. We don't  
19 want to give anybody the impression that, you  
20 know, we're putting off this process. We're not.

21 But then what do we do with the plan that  
22 we've got the long-term project that we've already  
23 previously set in motion? We don't have time to  
24 do both. So my concern is timing.

25 I agree with Molly that it needs to be

1 done. But if we're still all stuck dealing with  
2 the arena that we're in, how do we move over to  
3 that other arena? There's only so many hours in a  
4 day.

5 MR. DENNER: Do we have other council  
6 members? Go ahead.

7 MR. SMITH: It seems to me that this  
8 interim step that you've proposed, which I thought  
9 was really terrific, is like the first step on a  
10 ladder to a long-term solution, and the science  
11 and the knowledge that would come out of that  
12 would be extremely useful to a long-term  
13 solution.

14 So I have several questions on that. The  
15 first and most important is who do you see  
16 participating in this near-term group?

17 MR. KEMPER: Regarding what I had  
18 originally proposed at the last meeting,  
19 Wayne Burkhardt, who is a range specialist and a  
20 professor, was going to be involved. We had  
21 talked about involving Fish and Game and their  
22 biologists.

23 And the grazing interest is trying to  
24 come up with a nucleus of people that could come  
25 to some kind of an agreement that they could bring

1 back to a committee or this committee as a  
2 recommendation as an alternative plan to what is  
3 NEMO and NECO.

4           My recommendation didn't ever have  
5 anything to do with the lawsuit. It was in  
6 regards to the long-term grazing plan for NEMO and  
7 NECO which would be adopted for the long-term  
8 management.

9           Our problem is that they're absolutely --  
10 in my opinion, they are two completely separate  
11 actions. And here we're quagmired in the  
12 short-term problem, and we're unable to get to the  
13 long-term problem, which I believe Molly is  
14 correct.

15           I believe it's much more important. But  
16 if I were to tell Mr. Salt, "Mr. Salt, I'm not  
17 going to consult with you because I'm dealing with  
18 the long-term problem," then he's simply going to  
19 report back to the judge that Ron Kemper refused  
20 to consult, which allows him to do anything. The  
21 Bureau, you know, they've given me the  
22 opportunity, and I've elected not to do it.

23           So the same exact days that we had  
24 scheduled to have a rangeland biologist down and  
25 hopefully coordinate with Fish and Game to be

1 there, we're now being required to be in a  
2 different place on a different issue.

3 MR. SMITH: Is Fish and Wildlife going to  
4 be invited to participate in that?

5 MR. KEMPER: In the long-term solution?

6 MR. SMITH: I think they have to in the  
7 long-term solution.

8 MR. KEMPER: Yeah. It was my intent to  
9 invite them.

10 MR. SMITH: When you said "fish and  
11 game," I was thinking California.

12 MR. KEMPER: No. Fish and wildlife is  
13 required to consult in the ESA.

14 MR. SMITH: Then looking to Molly's  
15 request, can you sort of describe to us the timing  
16 and how long you would look for this technical  
17 review team to be working on this and to gather  
18 information and come to some sort of a  
19 recommendation? How long will that take, and how  
20 does that fit into the deadlines that you're  
21 facing now?

22 MS. BRADY: Well, when we first began to  
23 talk about it, we were talking about a very quick  
24 turnaround to come up with a proposal. That's why  
25 we were suggesting the array of interests, because

1 we felt that we need that level of involvement of  
2 technical specialists.

3           We were talking about two meetings  
4 possibly of two days each. So it is not an effort  
5 to go out and have a new date. It was based on  
6 existing knowledge of that group of how we can  
7 formulate an alternative that would work. Part of  
8 that alternative included long-term research  
9 strategy. That's what we were hoping to  
10 incorporate also.

11           So in answer to your question, we were  
12 shooting to complete it by November 1st, because  
13 we had extended the deadline to November 1st.  
14 What I'm suggesting now is that we actually have  
15 this group report back to this group at the  
16 December meeting with recommendations.

17           MR. KEMPER: So you're suggesting an  
18 extension of time --

19           MS. BRADY: No. I'm not recommending an  
20 extension of time. I'm merely saying that that  
21 technical review team would report back their  
22 recommendations to this group by -- I don't see  
23 that this group, the advisory council, is limited  
24 in its ability to make any recommendations to the  
25 BLM by the public comment period. That's what I'm

1 saying.

2 MR. DENNER: Bob, do you have a comment?

3 MR. ELLIS: Yeah. Let's see.

4 Ilene Anderson, who is not here today, sent a  
5 letter a couple of weeks ago or maybe perhaps a  
6 month ago to all the members of the board  
7 indicating that in part because the grazing  
8 interests have decided to begin a process to come  
9 up with a grazing-supportive alternative for NECO,  
10 that she felt that the environmental interests  
11 should begin a process as well and that her intent  
12 was to bring forth some more information and  
13 research and present an environmental alternative  
14 to grazing rather than what was in the, as I  
15 understand it, sort of compromised proposal  
16 currently in the NECO plan, which had been worked  
17 out in part in the past by the members of this  
18 council.

19 So I believe what's going on here now is  
20 that the BLM is suggesting to us, "well, it's true  
21 we did extend the deadline for comments. Perhaps  
22 there's still a chance to come together and work  
23 out a slightly different grazing alternative in  
24 the next two months."

25 Is that the idea, rather than come up



1 with perhaps two contentious alternatives November  
2 1st?

3 MS. BRADY: That's correct. We began to  
4 see that happening, that it was grazing interests  
5 going over here and the environmentalists going  
6 over here, creating more polarization. I think  
7 that doesn't help us get to the desired end.

8 Tim -- I'd like to have Tim respond to  
9 the Ilene Anderson letter.

10 MR. SALT: I have had a discussion with  
11 Ilene. I'm always reluctant to characterize other  
12 people's positions. Unfortunately she can't be  
13 here. So it would be based on her letter and  
14 based on the approach that Molly is proposing.

15 I had a conversation with Ilene. Ilene  
16 did agree that she thought it would be more  
17 productive to have both groups work on one effort  
18 than to have two separate efforts going on.

19 MR. KEMPER: If I can take it for just a  
20 minute, Bob. I'd like to remind you that  
21 livestock producers have been the stewards of the  
22 California deserts for over 100 years. You have  
23 what you have here today because of their  
24 stewardship.

25 Having the bottom of the food chain be

1 healthy and productive is of the utmost importance  
2 to livestock producers. And I want you to rest  
3 assured that any plan that livestock producers  
4 will put together will take into consideration the  
5 health of the ranch, because it's of utmost  
6 importance to them to maintain a healthy ranch  
7 condition.

8 MR. SMITH: I have a brief question for  
9 Tim. Let's say we made a motion and recommended  
10 the formation of such a team, there would be  
11 possibly some costs involved in that and maybe  
12 some experts and that sort of thing.

13 Is that within the budgetary constraints  
14 of BLM? How should we review that aspect of it?

15 MR. SALT: Certainly there would be some  
16 costs. You know, Molly speaks for the number of  
17 parties. Some of them feel that it's consistent  
18 with the work they're already being paid to do.  
19 And we'll absorb those costs. Certainly there  
20 will probably be some costs on our part.

21 But, you know, I think the important  
22 thing at this stage is, you know, whether the  
23 council supports the idea of going forward with  
24 this concept. You know, those are the kinds of  
25 details that, you know, as the bureaucrats we can

1 work our way through.

2 MR. SMITH: Mr. Chair, is it appropriate  
3 that we entertain a motion at this point in the  
4 proceedings?

5 MR. DENNER: I think that's what Molly is  
6 asking for, if someone would like to make a  
7 motion. Is there any other discussion? Does  
8 everybody understand what Ron and Molly are  
9 talking about? Okay. I think it's appropriate to  
10 make a motion then.

11 MR. SMITH: Okay. Well, then I'll make  
12 the motion that this desert advisory council  
13 recommend to the district manager the formation of  
14 a TRT -- is that what you call it, technical  
15 review team? -- which would include one or more  
16 representatives from this board as well as  
17 representatives from county and local governments  
18 as appropriate and appropriate scientists to come  
19 up with a recommendation for long-term grazing  
20 solutions on the BLM public lands.

21 MR. DENNER: As to the court reporter, do  
22 you have that word-for-word okay?

23 THE REPORTER: Yes.

24 MR. DENNER: Do we have a second to that  
25 motion?

1           MR. BETTERLEY: I'll second that motion.

2           MR. DENNER: Any discussion? Any further

3 discussion on the motion?

4           MS. BEARDSLEE: Who was it that seconded

5 it?

6           MR. DENNER: Bill. Bill; right?

7           MR. BETTERLEY: I did.

8           MR. KEMPER: Only that I'd be happy to

9 serve on the committee that we talked about.

10          MR. SMITH: I'd like to make one comment

11 which I haven't heard addressed. To me the

12 cultural aspects of having a continuation of the

13 grazing experience in the desert is an important

14 part of our history. I would hope that whoever

15 does make these recommendations will bear in mind

16 that cultural value.

17          MR. DENNER: Anyone else? Bob?

18          MR. ELLIS: I would just like to hear

19 again from Molly, I guess, some confidence that

20 she feels that new material and research and new

21 information can be brought in within a month or

22 two to really give us a good chance to come up

23 with a good alternative.

24          The motion as currently set up, I presume

25 then our target would be for December 1st to come

1 back to a meeting.

2 Can things be accomplished in that time?

3 MS. BRADY: I'm very confident that they

4 can be accomplished. I also think that we have

5 the science. We just have to pull the right team

6 of individuals together who have a good grasp of

7 that, and sit down with those and get a good grasp

8 of what is necessary to run an effective livestock

9 operation. I think we can do it. I'm very

10 confident in that, in response to your question.

11 MR. DENNER: Anyone else?

12 MR. CASEBIER: Yeah. Just a minute.

13 Molly, what bothers me is if that good science

14 exists, and you have people who are professionals

15 at this, why can't BLM do this and why shouldn't

16 BLM do it? Why would you have people who are

17 biased one way or another get together and try to

18 do something one more time? Isn't that BLM's

19 responsibility at some point?

20 MS. BRADY: If I understand your

21 question, Dennis, one of my objectives is to make

22 sure that all the interests and concerns are

23 identified and understood.

24 By pulling in the interests, and that

25 includes all the grazing interests as well as

1 those who have an interest in -- and I think the  
2 grazing interests are also interested in  
3 preserving the lands. I think that's what I was  
4 hearing Ron say, that he's very interested in  
5 healthy lands in a different aspect perhaps than  
6 Bob may define it.

7 I think by having those interests  
8 together, we can understand it better and we can  
9 make a better decision, because ultimately, yes,  
10 you're right. The BLM will make the decision  
11 about what alternatives will be incorporated and  
12 analyzed and what decision is finally made. I  
13 don't know if that answered your question.

14 MR. CASEBIER: Well, it kind of skirts  
15 around it.

16 MS. BRADY: There's going to be BLM  
17 people involved. It's not some team over here  
18 that's independent of BLM.

19 MR. CASEBIER: Well, maybe BLM ought to  
20 be doing it. And if they need more information  
21 from the permittees, they can do it.

22 MS. BRADY: Well, we will be doing it in  
23 the sense that we will be calling the meeting, and  
24 we'll be pulling together the individuals to serve  
25 on it. So we will be, in effect, managing the

1 input in order to find an alternative.

2 MR. CASEBIER: Well, I'm inclined to  
3 think that this ought to be done by BLM. And if  
4 they wind up doing something that's unpopular with  
5 one side or another, then they ought to be able to  
6 be willing to make a stand on their decision and  
7 go to court or whatever they have to do.

8 MR. BETTERLEY: The only problem that I  
9 see with that is that you're not getting the input  
10 from the ones that are actually there. I do  
11 believe that you should have some input from the  
12 private sector such as the members of this board.

13 MR. KEMPER: To give the council the  
14 benefit of the history, I made that motion at the  
15 last meeting with the intent of myself and any  
16 other rancher who would want to participate in  
17 coming up with an alternative plan on NECO or  
18 NEMO.

19 We have been faced recently with a  
20 decision that's economically devastating to almost  
21 all the desert ranchers on the short-term. We  
22 didn't feel that we had or I didn't feel that we  
23 had enough input or any input in short-term  
24 decisions since BLM was affected by a gag order in  
25 negotiations.

1           I didn't want to see the same thing  
2 happen for the long-term decision. And I think  
3 Molly flippantly told me one or two days before  
4 the meeting, "Well, nothing keeps you from writing  
5 an alternative to the long-term plan. You can do  
6 that."

7           So I took the challenge seriously, and  
8 was willing to personally hire the experts and  
9 come up with an alternative plan that we felt  
10 would ensure ranch health and allow ranching  
11 families who have been here for over 100 years to  
12 stay economically feasible.

13           However, it appears that that has angered  
14 environmental members of the council. So then  
15 they came forward and said that they would be  
16 challenged, and they would write their own grazing  
17 plan, which I find interesting because I don't  
18 believe any of them are livestock producers.

19           So I think Molly has tried to get a  
20 consensus from everybody and have everybody work  
21 together. I think the process may take longer in  
22 doing that. But we do have major concerns about  
23 keeping these allotments viable at the benefit of  
24 not only those ranching families, but the county  
25 and the state and the federal government.



1           MR. REDDY:  If I could, Dennis.  If I  
2 understood your comment correctly, we should just  
3 disband the council here.  So I disagree with your  
4 suggestion.  I think we ought to go forward with  
5 the TRT.  The suggestion was for the BLM to come  
6 up with a proposal, and if anybody disagrees with  
7 it, sue them and don't work with the interests of  
8 the parties.

9           That's the whole purpose of the council  
10 here.  We're supposed to be the various interested  
11 parties who represent our interests, and we're  
12 supposed to work with the BLM in all their plans.

13           That's just a general philosophy of what  
14 the council is for, so that the BLM is not  
15 supposed to come up with plans in a vacuum.

16           Some of us in many areas don't think that  
17 the BLM is quite as unbiased as -- your comment  
18 might have implied that they're the unbiased  
19 people, and they're going to come up with an  
20 unbiased solution.

21           I assure you that the mining industry  
22 doesn't think they're unbiased, especially if  
23 Ilene -- we have to take others words for it, I  
24 guess -- but if Ilene is interested in it, and if  
25 the grazing interests are interested in it.

1           The thing that amazes me is that this  
2 plan has been going on for several years, and only  
3 in the extended comment period do we find out that  
4 the BLM is indicating that maybe the plan that  
5 they put together might not make a lot of logical  
6 sense.

7           So we're down to the last-minute fire  
8 drill, which is sort of amazing. But at least  
9 there's a last-minute fire drill, and we're not  
10 going to go forward blindly even with something  
11 that the BLM says isn't a good plan. So I would  
12 recommend going forward with the TRT.

13           MR. SMITH: Paul Smith. I believe  
14 Mr. Hiller has some observations to make on behalf  
15 of the county.

16           Do you have any?

17           MR. HILLER: I was just wondering if I  
18 could offer a comment or two before the council.

19           MR. SMITH: I think that would be very  
20 appropriate.

21           MR. DENNER: I need to step in here. We  
22 are way over time. I don't mean to belittle the  
23 importance of this issue. It is extremely  
24 important.

25           Mr. Hiller, we certainly welcome your

1 comments, but I'm going to ask you to make them  
2 really brief. And other council members, you  
3 know, if you have something that is a burning  
4 urgency, to get your comments in on this issue.

5 All we're talking about is whether or not  
6 we're going to form a TRT. So unless you have  
7 something real burning on that point, you know, I  
8 suggest we need to get to the point of calling for  
9 the vote. So with that in mind, please be brief.

10 MR. HILLER: I shall. Thank you very  
11 much for welcoming my suggestive comments. I  
12 would suggest that the TRT is appropriate, but I'm  
13 not so sure that it's timely. I would suggest  
14 maybe that the bureau be charged with putting  
15 their hands on this database that supposedly  
16 exists for these grazing thresholds.

17 I think that people are whistling in the  
18 dark when they think that the database and the  
19 research exists to establish these thresholds. I  
20 won't go into detail in terms of my own personal  
21 experience relative to establishing them and  
22 talking to various scientists. I think that's  
23 going to be a tougher job.

24 What I would suggest that the council do  
25 is spend the period from this meeting to the

1 December meeting and ask BLM to assemble that  
2 database. And then at the December meeting with  
3 that database in hand, then charge the TRT. I  
4 think the TRT idea is marvelous.

5 I just don't want to see a bunch of  
6 people get together and simply argue about their  
7 personal agendas and personal feelings without  
8 having the database in hand. I think it's  
9 absolutely critical that BLM assembles that  
10 database ahead of time so all members of the TRT  
11 can have it in hand before they begin.

12 MR. DENNER: Okay. I'm going to make a  
13 closing statement on this unless somebody really  
14 has a burning desire. Yeah?

15 AUDIENCE MEMBER: As one of the  
16 stakeholders on the NECO plan and also on the West  
17 Mojave plan -- I'm on the steering committee. One  
18 of the things we're wrestling now with on the West  
19 Mojave plan is the grazing issue.

20 Personally, the steering committee does  
21 not even want to have anything to do with that.  
22 So that's why I would hope that the TRT would also  
23 look at the West Mojave portion of that and make  
24 recommendations for the West Mojave plan also.

25 MR. DENNER: Okay. I have two quick

1 points. One is before we get ready to do this  
2 vote, I think we need to think about the fact that  
3 we're probably going to have to decide on what  
4 members of this council will be on that TRT, if  
5 you're going to hope to accomplish anything by  
6 December.

7           The second is if you're able to put a TRT  
8 together between now and December and have  
9 something significantly accomplished, you're going  
10 to go down in the history books as being a unique  
11 BLMer, in my opinion.

12           Okay. So I'm going to call for the  
13 vote. All those in favor of the motion of forming  
14 the TRT raise your hand, please. One, two, three,  
15 four, five, six, seven, eight. Eight in favor.  
16 Opposed? Dennis Casebier is opposed. Abstained?  
17 Jon, Marilyn. Two abstaining.

18           MR. MC QUISTON: Mr. Chairman, just for  
19 the record, I'd like to explain the reason for my  
20 abstention. I sat here and listened for 20 or  
21 30 minutes. There's a lot of cryptic talk about  
22 what's led up to this decision.

23           It's very helpful to have a brief  
24 statement of what the issue is, what the problem  
25 is, what some of the solutions are. I just don't

1 feel comfortable. And I don't believe that by  
2 this time in three months, we're going to have any  
3 conclusions that this board can act on. This  
4 subject isn't even on the agenda.

5 I guess my request would be a simple  
6 statement of what the problem is, a simple  
7 statement of what the history and the background  
8 is, a simple statement as to what the need is for  
9 this recommendation.

10 I think I understand the issue now, but  
11 it took a long time of little bits and pieces to  
12 form that. I'm still not comfortable that I have  
13 the entire picture. So I'm not going to make a  
14 vote on this particular motion because I don't  
15 believe I have the pig picture.

16 MR. DENNER: Molly, do you see a problem  
17 with providing the council members with a simple  
18 one-page statement of this whole picture?

19 MS. BRADY: I think that's a very good  
20 idea. A very good idea.

21 MR. DENNER: Okay. Am I correct then  
22 that we now have to select council representatives  
23 for your new TRT?

24 MS. BRADY: Yes. I think so. Yes.

25 MR. DENNER: Well, how do we want to do

1 that? Nomination? Volunteers? I think Ron is  
2 automatically our first candidate.

3 Right?

4 MR. BETTERLEY: I have no difficulty as a  
5 volunteer on it, but it doesn't matter whether I  
6 am on it or not. But I would volunteer to be.

7 MR. DENNER: Would someone like to make a  
8 motion to appoint those two gentlemen?

9 MR. SMITH: I'd be happy to also  
10 volunteer, and I think we should have Bob Ellis  
11 from the environmental community so that we have a  
12 good spectrum.

13 MR. DENNER: Well, that raises the  
14 question should it be Bob or Ilene? Bob, you've  
15 had a lot of communications with Ilene about that.

16 MR. ELLIS: Well, I don't know how many  
17 we need, but definitely Ilene needs to be there.  
18 I'm willing to be there as well if we need more  
19 representation.

20 MR. DENNER: Well, how do you feel about  
21 Ilene being the lead for the environmental  
22 community and you being an alternate or an  
23 associate or however you want to do it? Then we  
24 would have three members of the council officially  
25 appointed to that group.

1           MR. BETTERLEY: Fine with me.

2           MR. DENNER: Would somebody like to make

3 a motion to that effect?

4           MR. ELLIS: I think we have -- I assume

5 Ron and Ilene. Yeah. Okay. Now, we have two

6 more, Paul and Bill.

7           MR. DENNER: Oh, Paul. I'm sorry, Paul.

8           MR. SMITH: I'd be happy to do it. My

9 focus would be the cultural aspects. But also I

10 would want to make sure that the scientific

11 problems were solved.

12           MR. DENNER: Okay. So we would have four

13 official representatives on the TRT.

14           MR. BETTERLEY: There's no objection from

15 me to have four.

16           MR. KEMPER: I'm sorry, Bill.

17           MR. BETTERLEY: There's no objection from

18 me to having four.

19           MR. DENNER: Ilene is going to be the

20 environmental rep. I think that Bob is an

21 alternate.

22           MR. ELLIS: I'm willing to be available,

23 and I would be happy to be there as well. I don't

24 know that this is a contest anyway. I'm happy to

25 be there.



1 MS. BRADY: As many as want to  
2 participate is fine with me. Again, it's not a  
3 vote count thing. It's not, you know, we have to  
4 have as many as we can have.

5 MR. BETTERLEY: Well, it's not a  
6 popularity contest anyway.

7 MS. BRADY: Not at all.

8 MR. DENNER: Procedurally, am I correct  
9 in that we can have as many as we want, as long as  
10 we don't have a majority of the DAC members?  
11 Wouldn't that constitute a separate DAC meeting or  
12 something?

13 MR. BETTERLEY: It would be in the gray  
14 area of the Brown Act.

15 MR. SALT: We're not under the Brown Act.

16 MR. BETTERLEY: I know you're not, but it  
17 would still be in the gray area.

18 MR. SALT: Four is fine.

19 MR. DENNER: We've got six.

20 MR. KEMPER: Molly, your perception is  
21 that this isn't going to be a voting body making  
22 decisions; this is simply going to be a group to  
23 brainstorm and come up with alternatives; correct?

24 MS. BRADY: Correct. It's going to come  
25 back and make recommendations to the advisory

1 council. Basically it's a working group of the  
2 advisory council so that you can make, you know,  
3 reasoned informed recommendations in guidance to  
4 the BLM.

5 MR. KEMPER: There was also a request  
6 that we deal with the West Valley plan.

7 MS. BRADY: The West Mojave plan.

8 MR. KEMPER: West Mojave plan. I'm not  
9 sure that -- you know, we're really getting  
10 stretched thin doing what we're doing. We may  
11 want to keep the committee in place to deal with  
12 the West Mojave. But I think we have a little  
13 more time on the West Mojave plan.

14 MS. BRADY: Yes.

15 AUDIENCE MEMBER: I heard you wanted it  
16 done by December 1st.

17 MS. BRADY: There's a real push to get  
18 the West Mojave also moving forward. There was  
19 some interest already expressed to me. Strategy  
20 might be a little different. I look at this as  
21 being a very open thing.

22 I don't want to give any predecisional  
23 kind of intent. I think that there's an open book  
24 and in responding somewhat to what Jerry Hiller  
25 said, that it may not be that we're going to sit

1 and come up with the precise science of  
2 threshold.

3           It may be that we develop, we do the best  
4 we can to do an adaptive management approach.  
5 That we have this information now. And we'll use  
6 230 pound forage as the cutoff point. But we will  
7 provide alternative pastures for the grazing  
8 interests to move their cattle to during that  
9 period. Because our No. 1 objective, which I may  
10 not have made very clear here, is to ensure that  
11 would protect the desert tortoise and its habitat.

12           MR. BETTERLEY: Mr. Chairman, in this  
13 particular thing, is this group of four -- and  
14 with your help, Molly -- going to pick the others  
15 that are going to be on this? I think Jerry, who  
16 is representing the county of San Bernardino where  
17 most of this takes place, should be on that too.

18           MS. BRADY: And I've already talked to  
19 Jerry about if he'd be available.

20           MR. BETTERLEY: I believe we should get  
21 on with the meeting and let the four get together  
22 sometime and pick the others that you want on  
23 that.

24           MR. DENNER: It's more than four now. I  
25 think we have Paul, Ilene, Bob, Ron, Bill. So

1 it's five.

2 MR. BETTERLEY: That's fine. It doesn't

3 matter.

4 MR. DENNER: I need somebody to make a

5 motion that we appoint these people to the TRT.

6 MR. BETTERLEY: I think the motion was

7 already made, wasn't it?

8 MR. DENNER: No. This is a new motion.

9 MR. BETTERLEY: I'll make the motion.

10 MR. LEIMGRUBER: Second.

11 MR. DENNER: Did Wally second?

12 MR. LEIMGRUBER: Yes.

13 MR. DENNER: Any more discussion on this

14 appointing five members to the council to the

15 TRT? All in favor raise your hand.

16 Would you record that we have a unanimous

17 vote that those five people be assigned to the

18 TRT.

19 Jim, you've been waiting there with bated

20 breath, I know. Give us a quick hint on what we

21 need to know about the Coachella Valley plan.

22 MR. KENNA: I'm not going to tell you

23 anything about my breath. I'll go first to the

24 comments or questions that were raised relative to

25 the tour yesterday.

1           Jim, in specific, the mining industry is  
2 involved in the plan. They are attending the  
3 policy advisory groups. I apologize if we  
4 conveyed anything to the contrary yesterday.

5           We kind of had a choice to make in terms  
6 of do we hook people up with, you know, the energy  
7 industry or do we hook them up with the water  
8 folks? Do we hook them up with the communication  
9 sites folks? Do we hook them up with the mining  
10 industry folks?

11           All of these people related to the  
12 community infrastructure have attended my advisory  
13 group meetings that are held monthly. They've  
14 actually weighed in on some of the lines, as you  
15 suggested, and have made proposals including  
16 exchange proposals. So they're actively  
17 involved.

18           The second question was from Roy. I  
19 think we probably created more confusion than we  
20 solved yesterday on the tour. I appreciate you  
21 folks that made positive comments about the tour,  
22 but I think we might have screwed up.

23           There is an effort related to the  
24 off-highway vehicles. In answer to your question  
25 as to what the kids are doing after school now,

1 most of that is trespass use on private and  
2 tribal. So we're really not a player in that.

3 But you're right in the sense that it is  
4 being misplaced, because much of that land is now  
5 being developed. So it did come up through the  
6 planning process that there needed to be found  
7 some alternatives. And you'll see those this  
8 afternoon.

9 The third thing that came up, I think,  
10 was Harriet's comments related to the bighorn  
11 sheep research. Like Jerry, I will tip my hat to  
12 Harriet. I understand that she's now being touted  
13 as the mentor of mentors in the environmental  
14 arena.

15 MS. ALLEN: Get on with the meeting.

16 MR. KENNA: Well, congratulations. And  
17 we certainly value your voice.

18 MS. ALLEN: Thank you, sir.

19 MR. KENNA: The proposal for peninsula  
20 bighorn sheep research are not BLM proposals. BLM  
21 is not going to do the research. The research  
22 came from the recovery team. Many of the members  
23 that you cited are on that team.

24 Actually, it is probably more accurate to  
25 say that the BLM biologists raised some concerns,

1 some more to the concerns that you raised as to  
2 whether or not affecting this largest segment of  
3 the population with the disturbance-related  
4 helicopter and capture and so on was the right  
5 level of thing to be doing given where we are in  
6 the recovery planning process.

7           The timetable is short. That basically  
8 has to do with the time it took us to get the  
9 proposals from the researchers as to what exactly  
10 they were planning to do. We turned the document  
11 around as quickly as we could and provided as much  
12 information as we could.

13           What you apparently have is the notice  
14 rather than the EA. I will, when we break for  
15 lunch, go back to the office, and I will bring you  
16 back a copy of the EA so you can see the full  
17 document.

18           I think these issues are important. I  
19 think to the credit of the researchers and the  
20 recovery team, we've had an ongoing dialogue for  
21 some time relative to whether or not these kinds  
22 of things should be going through the NEPA  
23 process.

24           Many of the researchers contend that  
25 research should not be subject to NEPA and public

1 land permitting. We have taken the other position  
2 that we think it is to their credit. They've come  
3 around to that point of view, and that's why this  
4 process is happening when it is.

5           So we acknowledge the fact that not much  
6 of this research has gone on for some time. We  
7 acknowledge that there have been some differences  
8 between us and some of the recovery team members  
9 regarding whether or not sheep disturbance while  
10 researchers should be going through this same kind  
11 of process.

12           I think we're just happy to see now that  
13 we've made that step to talking openly about what  
14 kind of effects these things are going to be  
15 having on the sheep. Hopefully that answers your  
16 questions.

17           There are only two other things. The  
18 national monument anniversary of the legislation  
19 being passed, there will be a celebration by the  
20 communities in the Coachella Valley, which BLM can  
21 obviously participate in, on October 20th and 21st  
22 centering around the visitor center. We expect a  
23 number of national and local dignitaries to be  
24 involved. You're certainly all welcome.

25           And then there was a comment on the



1 boarder patrol and expressing some of the concerns  
2 over mortalities. I just want to take the  
3 opportunity to provide some credit to the grounds  
4 field station of the border patrol. I think they  
5 have done a very good job working with BLM, and  
6 we've made some considerable progress relative to  
7 those issues.

8 MR. DENNER: Wasn't there another --  
9 Vicki, didn't you have a question about the  
10 Coachella Valley plan? Was it you? I thought  
11 there was one other.

12 MS. WARREN: I hadn't in particular.

13 MR. DENNER: Okay. Any questions from  
14 the council?

15 MR. SMITH: Yes, I have some questions.  
16 I gather this bighorn sheep study will involve the  
17 sheep that are also in the Santa Rosa mountains?

18 MR. KENNA: That's correct. The entire  
19 peninsula range down to Mexico.

20 MR. SMITH: So based upon the  
21 conversation, I understand that the bighorn sheep  
22 specialists, that Anza Borrego (phonetic)  
23 disagrees with this proposal and would perhaps be  
24 willing to come and address the council and do  
25 something to potentially stop something that could

1 have such a major taking of that?

2 MR. KENNA: I would not characterize the  
3 position of biologists that Anza Borrego is  
4 disagreeing with this proposal. He's been  
5 involved in the recovery team process that  
6 developed the proposal.

7 MR. SMITH: This Mark Jorgensen?

8 MR. KENNA: Yes.

9 MR. DENNER: Anyone else?

10 Thank you, Jim. Appreciate it.

11 MR. KENNA: Okay.

12 MR. DENNER: Real quickly before I  
13 introduce the next speaker, I want to ask the  
14 council for a show of hands of how many people  
15 have a copy of the desert tortoise recovery plan.  
16 About half of us do. I had asked Doran for a copy  
17 after the last meeting. He said the Riverside  
18 office was out of them, but he was ordering some  
19 more. They're supposed to be here soon.

20 I'd like to request that the BLM place a  
21 high priority on getting copies of that plan to  
22 all council members, because it is the basic plan  
23 that is driving all these desert modifications and  
24 the CPCA. I think it's crucial that we each have  
25 an opportunity to refer to that.

1           MR. SALT: Could I ask, so we don't send  
2 a copy to those who already have it, anybody who  
3 needs one make it a point to see Doran, and we'll  
4 get you mailed one as quickly as possible.

5           MR. DENNER: I'm being informed that  
6 Doran is looking into the possibility of ordering  
7 sandwiches here after the next speaker. We will  
8 have to take a break so our court reporter can  
9 massage her fingernails.

10           In the meantime we're going to have a  
11 presentation of the desert tortoise by  
12 Dr. Kristin Berry.

13           Is your report such that you could do  
14 like half of it, and then we could take the  
15 break?

16           And Doran, is now a good time to pass the  
17 sheet around?

18           I want to get a few housekeeping things  
19 out of the way. I wanted to introduce Dr. Berry.  
20 Dr. Berry has been doing desert tortoise research  
21 in the desert for over 30 years in some official  
22 capacity, but has had an interest much greater  
23 than that.

24           She began her career as a biologist for  
25 the Bureau of Land Management, and as a result of

1 various reorganizations, she has kind of bounced  
2 from one agency to another. She's currently with  
3 the USGS in the research division and I think is  
4 recognized as one of the foremost authorities on  
5 desert tortoise.

6           At the last council meeting, the issue  
7 was raised, and on reflection, it seems as though  
8 many of the issues that we're going to be  
9 addressing in the coming months revolve around  
10 desert tortoise. So we thought it would be  
11 important to have kind of a basic priority in  
12 tortoise biology and what the threats to the  
13 tortoise and that sort of thing are. So that's  
14 what Kristin will be presenting us with today.

15           Before you get started, Doran, are you  
16 ready to pass the sheet? Okay. There's a sheet  
17 going around. Just sign up for whatever kind of  
18 sandwich you want, and we'll start that.

19           DR. BERRY: Okay. I think that we'll  
20 probably want to turn down the lights. What I  
21 have done is put together a program that deals  
22 first with the ecology and the natural history and  
23 physiology of the tortoise and give you some  
24 background about the tortoise itself.

25           And then I'll go on to looking at the

1 factors that led to the listing of the tortoise as  
2 a threatened species in 1990, and briefly run  
3 through some of the threats to the tortoise.

4           And then I'll move on to and close by  
5 showing you the status and trends in various  
6 populations of tortoises within the California  
7 desert and focussing on specific threats, and  
8 giving you an example of specific threats so you  
9 can see the cumulative nature of the threats.

10           Before your break, I thought we'd do  
11 about 15 minutes on the natural history and  
12 behavior. And then you can take your break. And  
13 we can have questions about that, and then move on  
14 to the rest of the program.

15           The desert tortoise is a species of the  
16 southwestern United States and Mexico. It's  
17 considered a flagship species. At least in the  
18 reptile world, it is a flagship species, and in  
19 terms of all vertebrates, it is a flagship species  
20 in part because of its large size, especially for  
21 a reptile in the southwest.

22           It occupies several different types of  
23 habitats and actually different ecosystems, and it  
24 requires large areas for survival.

25           Now, when I mentioned that it was a

1 species of the southwestern United States and  
2 Mexico, this is the geographic range map for the  
3 tortoise. Within this large geographic range,  
4 there is abundant evidence that we have three  
5 separate genetically distinct, behaviorally  
6 distinct, seasonal-activity distinct and  
7 physiologically distinct populations that some day  
8 will probably be called three separate species.

9           We're going to focus on that polygon that  
10 is in California, Nevada, extreme northern Arizona  
11 and southwestern Utah. It is that population that  
12 is separated from the other populations by the  
13 Grand Canyon and the Colorado River. Indeed this  
14 population has been separated from the others for  
15 probably five million years.

16           Here we have forest population polygons  
17 showing different colors. I'd like you to focus  
18 on those polygons in California, Nevada and Utah.  
19 You can see the orange line that divides the  
20 Colorado River Grand/Canyon complex. That divides  
21 the populations from the Sonoran population.

22           There are different shell shapes of  
23 tortoises within our populations. Here we have an  
24 example of shell shapes, looking from the top, for  
25 the California type, the Beaver Dam Slope Utah

1 type and the Sonoran Desert of Arizona type.

2           Actually, the California type is a  
3 butterball tortoise. The Beaver Dam Slope is a  
4 very flat tortoise with a very small undershell.  
5 And the Sonoran tortoise is a flat pear-shaped  
6 tortoise. So morphologically, they are  
7 different.

8           There are also differences in their  
9 behaviors and differences within California and  
10 this area north of the Colorado River north and  
11 west.

12           If we start in the Imperial County and in  
13 the extreme southern part of the range in  
14 California, they live in a solitary way in very  
15 shallow burrows.

16           As we go north into the western Mojave  
17 and the central Mojave, their tunnel lengths get  
18 deeper. They're still living a solitary  
19 lifestyle. But it's when we get into the  
20 (inaudible) Valley and further east and into  
21 Beaver Dam Slope that we see the animals living  
22 colonially in caves and dens.

23           Where in the past when the numbers, the  
24 densities were high, they once had concentrations  
25 of over 20 individuals in a single cave or tunnel

1 with offshoots in that tunnel, now the desert  
2 tortoise occupies many different kinds of habitats  
3 and ecosystems ranging from the creosote bush,  
4 shrub, low desert valley type system into the  
5 sparsely scattered yucca tree type communities,  
6 often the creosote bush.

7           This particular photo was taken in the  
8 southern Mojave desert. Then into the eastern  
9 desert, we often have a more scrubby community.

10           Tortoises are also found in the Mojave  
11 Desert on steep slopes, on mesas, in rocky  
12 outcrops and in canyons. This particular picture  
13 was taken from the Red Cliffs Preserve in  
14 southwestern Utah. This has a density of over  
15 300 tortoises per square mile.

16           In the Colorado desert of California, the  
17 habitat is characterized by microfill woodland  
18 washes which we see here separated by sparse  
19 Caliche (phonetic) ocotillo shrub. Here is a  
20 close-up of one of the microfill woodland  
21 washes -- that is, washes with smoke tree, palo  
22 verde and ironwood.

23           In Arizona the tortoises are primarily  
24 found in upland areas on steep slopes in the rocks  
25 and real cliffy type areas in palo verde type



1 habitats such as you see here. It's a rock  
2 tortoise in the Sonoran Desert. It is active in  
3 summer and in the spring.

4           Now, tortoises spend about 95 percent of  
5 their lives underground. This is a very important  
6 adaptation for living in the desert. They can  
7 avoid the heat of the summer and colds of winter  
8 and drought conditions by going into their cover  
9 sites.

10           There are three main kinds of cover  
11 sites. What you see here is a burrow. It may be  
12 three feet in length for the tunnel or it may be  
13 10 feet or 12 feet.

14           Here's a tortoise, a rock cover site.  
15 The cover site starts under boulders and continues  
16 underground. Then there are the tortoises that  
17 live in natural caves, caliche caves, (inaudible)  
18 caves often that go in 30 feet or more following  
19 cowechi lines or other lines. They're long  
20 tunnels that go into the washes.

21           This is a typical habitat that one might  
22 find in the eastern Mojave Desert, in Nevada and  
23 in Utah. It's also found in a (inaudible) form in  
24 places like Fort Irwin.

25           One key fact that is very interesting --

1 and here you see a little baby tortoise -- that  
2 tortoises live in cover sites that are the same  
3 size that they are. A little tortoise lives in a  
4 little cover site. A large tortoise lives in a  
5 large cover site. You would rarely find a  
6 juvenile with a large adult tortoise in a cave,  
7 for instance.

8           Now, this is a graph showing  
9 precipitation. I want to emphasize that tortoises  
10 and their lives turn around how much water they  
11 get, how much precipitation, and the timing of  
12 it.

13           In some parts of the desert, we have  
14 rainfall that occurs primarily in the late winter  
15 and early springs. In other areas we have late  
16 winter rainfall as well as summer rainfall. Here  
17 is an example of precipitation in the Fenner  
18 Valley at the Mojave National Preserve that has  
19 rainfall that occurs both in winter and in the  
20 summer.

21           The key point here is that rainfall  
22 fluctuates. About every three years we have a  
23 lot, and about every three years we have a dry  
24 period.

25           We have rainfall years across the

1 bottom. We have amount on the top. We have the  
2 annual norm, long-term historical norm on the  
3 horizontal line in blue and the winter norm in  
4 yellow. So you can see the pattern. The  
5 tortoises have evolved with this, and they've  
6 lived with this for millennia.

7 Springtime, at least in the California  
8 tortoises and in the areas north and west of the  
9 Colorado River, springtime is tortoise time. It's  
10 their key feeding period.

11 They feed on the winter annuals. They  
12 emerge from hibernation and immediately begin to  
13 eat. Now, they're very finicky eaters, and I want  
14 to emphasize this. When you were talking about  
15 poundage of range plants, like 300 pounds or  
16 260 pounds, that's all plants. Tortoises are  
17 finicky eaters.

18 Forty-three percent of the bites they  
19 take are of legumes. They know where these  
20 occur. They seek them out. They look for them.

21 Over 90 percent of the bites they take  
22 are of native plants and not eating much in the  
23 way of the alien grasses. They know exactly where  
24 some of these uncommon or rare foods occur.

25 They will go to them. They will set up

1 housekeeping, living in a pallet nearby, and eat  
2 them until those foods are exhausted. Here we see  
3 a tortoise eating a lotus.

4           During the dry times, during those dry  
5 years, the tortoises spend most of their time  
6 underground avoiding the heat and the dryness.  
7 But one of their adaptations is they make very  
8 rapid responses to rain. They will come out and  
9 they will dig a depression and drink in a drinking  
10 site that catches water, a water catchment.

11           They know where some of these are. They  
12 dig others. That is one of the very important  
13 ways that they survive, by making use of thunder  
14 showers and rain. They'll even be out at night  
15 drinking.

16           MR. DENNER: Dr. Berry?

17           MS. BERRY: Yes.

18           MR. DENNER: Can I interrupt you for just  
19 a second, please?

20           Do any of the council members think it's  
21 necessary for the court reporter to transcribe  
22 this presentation? Yes? You do? Okay.

23           Continue. I'm sorry.

24           MS. BERRY: Okay. What happens is as  
25 soon as it rains and the tortoises come out and

1 they get in their drinking depressions is they  
2 rapidly drink, filling up their bladders, which  
3 acts as a canteen and evacuating and emptying the  
4 bladder too of all of the toxicants and the  
5 concentrated urea that it holds because they're  
6 able to concentrate their urine.

7           So they increase what's called their  
8 water flux rate. And they also increase their  
9 metabolism. They'll come out and start eating dry  
10 food. They'll eat the summer annuals if the rain  
11 produces summer annuals.

12           They have a lot of physiological  
13 adaptations for drought. They can tolerate very  
14 high concentrations of potassium chloride and  
15 other electrolytes in their blood and their urea.  
16 They store the waste products from the bladder as  
17 solids.

18           They have a low water flux rate when they  
19 need to, and they can lower their metabolism by  
20 going down in their burrows and remaining  
21 inactive. And during dry periods, they reduce  
22 their egg production.

23           We've learned a lot about tortoise  
24 physiology, reproduction, survival behavior in the  
25 last few years, especially comparing El Nino and

1 La Nina years.

2           So we see that virtually all aspects of  
3 the tortoises life are tied to water and they're  
4 very well-adapted to coping with either a large  
5 amount or very little.

6           Springtime is also the time the tortoises  
7 get together in their interactions. Here you see  
8 two big males engaged in aggressive behavior.  
9 It's also a time that males court females. But  
10 it's very interesting that the male and female  
11 reproductive cycles do not coincide.

12           The male pursuing the female will court  
13 and mate with her, but he does not have mobile or  
14 usable sperm at this time. So all of those  
15 matings are maybe for another purpose than for  
16 actually fertilizing eggs.

17           Now, the female lays her eggs in spring,  
18 in April and May and into June. She generally  
19 lays her eggs at her cover site at the burrow or  
20 the den at the mouth of it or down into the  
21 entrance to the tunnel.

22           Here you see a female constructing her  
23 nest with her hind legs. She lays from one to  
24 14 eggs. They're the size and shape of Ping-Pong  
25 balls. In our deserts we haven't seen tortoises

1 laying much over six to eight eggs in a clutch.  
2 Fourteen has been observed in the Sonoran Desert  
3 of Arizona.

4 I would like to emphasize that when the  
5 females first start laying, when they're young  
6 females, the teenagers, they're going to lay one  
7 or two eggs. It's not until they get to be a big  
8 old female that they lay the larger clutches.

9 The eggs hatch, and here you see three  
10 hatchlings at various stages of coming out of the  
11 egg. The one on the left is already out. They  
12 hatch after 70 to 90 days, although there are  
13 cases where the eggs have been known to grow  
14 bigger than this and to hatch after six months.

15 The desert tortoise is folded inside an  
16 egg, and the yolk plug is extended in the right  
17 individual. That yolk plug is withdrawn within a  
18 few hours, carrying nourishment for the tortoise's  
19 first few weeks. That's what eventually becomes  
20 the umbilical that you can see in the middle  
21 tortoise.

22 Now, for the male reproductive cycle, and  
23 this is something that we have learned in the last  
24 10 years, males are only carrying mobile sperm  
25 between late July and into the first part of

1 October. This is the time that males and females  
2 get together and mate and have the effective  
3 matings.

4           The female has a special sperm receptacle  
5 where she holds the sperm until the following  
6 spring, and the sperm can be united with the egg  
7 prior to the time the eggs are shelled. It's a  
8 rather elaborate mechanism, and there is some  
9 suggestion that the females may be able to store  
10 sperm for up to five years. We know that they at  
11 least can do this for two years with very high  
12 success rates in terms of the fertility of the  
13 sperm.

14           People always ask how old is a tortoise?  
15 How old do they get to be? We use the growth  
16 rings to age them. Here we have a hatchling  
17 tortoise that's about two and a quarter inches.  
18 You can see a piece of shell on it.

19           You see what we call hatchling plates.  
20 These are like your fingernail. They're very  
21 delicate. I should say like a small child's  
22 fingernail. They're very delicate. At this point  
23 the bone is not formed beneath the scoot or  
24 epidermal material.

25           As a tortoise grows, and this one is



1 about seven to eight years of age, rings form.  
2 And these rings are formed at the seams between  
3 the scoots.  
4           Some people say, "Well, is there one ring  
5 a year?" The answer is no. In dry years, there  
6 may be zero rings. In a good wet year, there may  
7 be up to three rings. It may be how fast the  
8 tortoise gets around or is eating its particular  
9 patch or just how fast it grows. But it can put  
10 on more rings than one per year.  
11           Now, this is an adult tortoise, a very  
12 young adult tortoise. You see the gray colors  
13 between the edges of the plates or the scoots.  
14 That is new growth material that has occurred just  
15 during spring. This material will form a ring.  
16 You can still see the rings on the tortoise at  
17 this point. The tortoise is between 18 and  
18 25 years of age.  
19           As the tortoise gets older and moves into  
20 its 40s, 50s, 60s, 70s and 80s, the rings wear  
21 away. The hatchling plate disappears, and all of  
22 the growth rings gradually wear at points of wear  
23 on the body.  
24           If you'll notice, this tortoise still has  
25 a doming to it. It has a glossy aspect to its

1 scoots, and it's in pretty good shape. I've seen  
2 captives of known age that look like this that are  
3 80 years of age.

4           Here we have an older tortoise. This is  
5 a very old tortoise. We have the growth rings  
6 completely worn away. And actually, the scoots  
7 are sinking and the bone has thinned beneath the  
8 plates. This tortoise has osteoporosis. It is an  
9 aged animal. It may live another 30 or 40 years  
10 like that.

11           The females that are like this have no  
12 reduction in the number of eggs that they produce  
13 based on their size. There is no senility in  
14 terms of female production. They still continue  
15 to reproduce until they die. And this is in the  
16 wild.

17           So at this juncture, I'd like to move on  
18 and tell you something that is very important and  
19 affects recovery. That is that in different parts  
20 of the desert, growth rate varies. It's not only  
21 for individuals, it's for populations. It has to  
22 do we think with rainfall and food availability  
23 and the quality of the habitat, the condition of  
24 the habitat.

25           Here you see a graph. This graph was

1 made for animals in the east Mojave, specifically  
2 females. It shows their growth rates and lengths  
3 depending on whether it's a wet year, which is the  
4 green line, or a dry year, which is the blue  
5 line.

6           These are rates that if it was wet all  
7 the time, we had the females growing very rapidly,  
8 reaching sexual maturity around 13 years of age.  
9 If it's a dry year, it will take much longer,  
10 maybe over 30.

11           In fact, we have a lot of wet years and  
12 dry years combined. So in the eastern part of the  
13 desert, females may reach reproductive maturity at  
14 13 to 20 years of age; whereas in the west Mojave,  
15 it's going to be in the 25 to 30 years group. The  
16 data is based on similar graphs.

17           Well, why is this important, what females  
18 are doing? If it takes a female 13, 15, 25 years  
19 to reach sexual maturity, and then she starts at  
20 that point laying one egg or two eggs, the chance  
21 of a population recovering quickly after a large  
22 decline, large reduction in the number of adults,  
23 it's going to be very slow. It's going to be a  
24 long time. So that female will not be putting out  
25 a lot of eggs until she's a big old lady, until

1 she's about 50 or 60 years of age.

2           Now, once tortoises reach reproductive  
3 maturity and they're adults, they have a very low  
4 mortality rate. Stable populations have very low  
5 mortality rates of 1 to 2 percent annualized.  
6 This is like looking at insurance tables and that  
7 sort of thing.

8           We do know that this happens in healthy,  
9 stable populations. That is one to two adults out  
10 of every 100 die each year, average.

11           Okay. I'm ready to break now and take  
12 questions. Do you have any questions about life  
13 history? Yes?

14           MR. ELLIS: You showed some burrows on  
15 the edges of washes. Do certain populations of  
16 tortoise actually burrow and dig in the washes?

17           MS. BERRY: Yes. Uh-huh. Sometimes the  
18 cover sites are right at the base of the wash.  
19 Sometimes they're in a shrub or under a shrub or a  
20 rock in the wash.

21           I've spent actually the last three years  
22 working at Fort Irwin typing every cover site in  
23 some study areas. We've looked at over 500 to  
24 600 cover sites.

25           Any other questions?

1           MR. KEMPER: Yeah. I don't know if you  
2 can answer this, but I'm interested. A tortoise  
3 within its reproductive life, a female tortoise,  
4 would produce how many tortoises that would reach  
5 maturity?

6           MS. BERRY: How many eggs would they  
7 produce?

8           MR. KEMPER: Not how many eggs, because I  
9 realize there's a mortality rate just like there  
10 is in the livestock business.

11           How many other tortoises would you expect  
12 that one tortoise to create that would reach  
13 maturity? In other words, become of reproductive  
14 age themselves --

15           MS. BERRY: Two.

16           MR. KEMPER: -- during the course of its  
17 life.

18           MS. BERRY: Two that would survive to  
19 produce two more individuals, male and female,  
20 that would again survive to produce another two.

21           MR. KEMPER: Over the course of it's  
22 entire life?

23           MS. BERRY: It would produce a lot of  
24 individuals -- a lot of individuals, but only two  
25 in a stable population that would survive to

1 produce another two. That would keep going. It  
2 would produce a lot of young, and the young would  
3 live for various ages. And they may live to  
4 adulthood to produce lots of young, but those  
5 young wouldn't necessarily survive.

6 In a stable population, a female will  
7 produce one individual representing herself and  
8 one representing the male that would survive and  
9 keep going. There's a lot of mortality along the  
10 way.

11 Think about human populations. What  
12 would make a stable human population, and how many  
13 young children humans produce.

14 MR. KEMPER: A lot of birth control.

15 MS. BERRY: Well, there's a lot of  
16 natural birth control in the wild.

17 MR. SALT: Kristin, you talked about the  
18 adaptability of the tortoise to drought. What is  
19 the effect of drought on reproduction?

20 MS. BERRY: Not only do the females and  
21 the males become less active, the females don't  
22 produce as many eggs and may shut down  
23 completely. They may resorb eggs or they may  
24 produce only one clutch of one or two eggs.

25 The thing is, a lot of what a female

1 produces each year is very much dependent on what  
2 she got in terms of food the previous years.  
3 She's yolking up in the fall for the following  
4 spring.

5           So if the following spring comes up dry,  
6 she's still ready to go, but she may not produce a  
7 second clutch. This is why females may become  
8 more vulnerable if they don't get all the food  
9 that they need, because they won't have the fat  
10 supplies they need to get through a dry year.

11           If they come out of a dry year, lay a  
12 clutch of eggs, even if it's a small clutch, and  
13 then go on and there's another two dry years, they  
14 will be vulnerable.

15           MR. KEMPER: In my own mind I'm kind of  
16 comparing a tortoise to a cow. Is there such a  
17 thing as a tortoise being too fat? Because there  
18 is for a cow.

19           MS. BERRY: I think in captivity,  
20 definitely. We see tortoises with fatty livers  
21 and tortoises that are just bloated. And we don't  
22 see the same reproductive cycle in a lot of the  
23 captive tortoises that are not eating the  
24 nutritious foods that they can get in the wild.

25           MR. REDDY: A question was asked about in

1 a stable population, what's the production rate.  
2 That's almost by definition, you gave the answer.  
3 If they were producing 10 or 15, it wouldn't be a  
4 stable population. It would be a growing  
5 population.

6           You said there's a lot of mortality when  
7 they're young. I know we're in a low level now  
8 for a variety of reasons.

9           Is part of the reason that many of the  
10 young die off because they're competing for food  
11 or territory?

12           And when a population does drop to a low  
13 level like it is in some areas now, that with  
14 normal weather and normal conditions -- we're not  
15 going to be a stable population in a low level  
16 (inaudible) territory per tortoise that will reach  
17 a point and we are perhaps at a point where the  
18 population will start to grow again?

19           MS. BERRY: I think I can show you some  
20 examples where that has actually occurred. I can  
21 show you an example of that. However, while there  
22 may be more food out there, the food supply has  
23 changed. There's a very large portion of the food  
24 supply that is now composed of alien plants.

25           Between 15 percent and in some places



1 90 percent of the biomass of annual plants is  
2 composed of aliens. Now, in a study done by  
3 Matt Brooks in the western, southern, and central  
4 Mojave, the average biomass for annual alien  
5 plants was 65 percent.

6           So while there may be fewer tortoises,  
7 and the assumption is that there would be more  
8 food, it is the quality of food. And it isn't  
9 their preferred food. It isn't what they want to  
10 eat. So the situation has become much more  
11 complex.

12           MR. CASEBIER: You implied earlier that  
13 they don't actually eat the exotics?

14           MS. BERRY: They eat them, but they eat  
15 them at a very low percentage. If one goes out  
16 and follows a tortoise around and counts every  
17 bite it takes, over 95 percent of the bites are  
18 native plants, even though the biomass, the vast  
19 majority of the annuals out in many of the places  
20 are aliens. So they're seeking out and picking  
21 out which ones they want to eat.

22           There is some evidence that the alien  
23 grasses are not as nutritious and not as  
24 appropriate for the tortoise to be eating.

25           MR. KEMPER: I have heard the term a lot

1 lately about nonnative species of plants. What I  
2 have been told is that those are species of plants  
3 that weren't here when we founded this town so to  
4 speak.

5           They are plants that have migrated here  
6 from South America and Europe and other places,  
7 and we keep talking about them as if they're not  
8 native.

9           When we're talking about a million acres  
10 of desert, and 45 percent or 50 percent of it is  
11 occupied by nonnative species, we don't actually  
12 have a plan to eradicate that species on that  
13 million acres of land. It's a fact of life that  
14 we have to deal with today.

15           MS. BERRY: It's a fact of life that we  
16 have to deal with today, but we need to understand  
17 it so that when we see new alien plants coming in,  
18 that we can take action. And we can reduce the  
19 impact to quite a number of industries throughout  
20 the United States that are often affected by alien  
21 plants.

22           Now, the ones that have come into the  
23 desert are from the Mediterranean and Asia.  
24 Recently we have one from North Africa, the  
25 Moroccan mustard. It is radically moving into the

1 Colorado desert and spreading into the Mojave.  
2 It's moving very, very quickly into the washes.  
3 We're quite concerned about this because  
4 it's combustible. And it many join alien and  
5 annual grasses contributing to changing our fire  
6 cycles in the desert. I can talk about that just  
7 a little bit in the section on threats.

8 MR. SMITH: Paul Smith, Dr. Berry. One  
9 quick question, unless you're going to get to it  
10 later. It has to do with the technique of burrow  
11 construction in the Mojave Desert. We're going to  
12 be looking at the impacts of cattle grazing and  
13 burrows.

14 Are the burrows such that most of the  
15 burrows can withstand a large animal passing over  
16 the burrow?

17 MS. BERRY: No. Most burrows in  
18 California and in our critical habitats in this  
19 state are burrows constructed in the soil -- the  
20 vast majority of the cover sites in critical  
21 habitat.

22 Now, I mentioned Fort Irwin where I've  
23 been doing a study. Fort Irwin has a lot of cover  
24 sites that are in the caliche caves, and even  
25 those can't withstand the tanks. But of course, a

1 tank is a little different ball game than a cow.

2 But what we're seeing in areas where  
3 there are the caliche caves and the soil burrows  
4 is there is gender selection for cover sites and  
5 size selection for cover sites.

6 The juveniles and immatures are using  
7 more of the cover sites under rocks. And the  
8 females are using soil burrows. And the males are  
9 using more of the cover sites that are in the  
10 washes and the Caliche.

11 And the result at Fort Irwin is that  
12 there are fewer females surviving in the areas  
13 where there are military maneuvers because those  
14 are the most vulnerable burrows.

15 I do have data on tramping of burrows by  
16 cattle showing that in an area protected from  
17 cattle, the cave-ins of the deep burrows or a loss  
18 of the cover of the top part of the burrow is  
19 considerably less than in an area where the cattle  
20 are occurring.

21 MR. BETTERLEY: Dr. Berry, not all  
22 scientists agree with you with regards to cattle.  
23 In fact, in '91, as far as food is concerned for  
24 the tortoise, they said that due to the fact that  
25 the cattle has no upper teeth, they leave enough

1 food for the tortoise to eat.

2 Another in '93, they said the same thing.

3 They said in their review that the population

4 trends in California have been attributed to

5 cattle grazing for more reproduction.

6 Most of your reports that I've had the

7 pleasure of reading kind of are against cattle

8 grazing anywhere within a tortoise area.

9 But yet there's others that I've read.

10 Dr. Gorman (phonetic) put together a whole bunch

11 of critical scientific reviews, I think 223 of

12 them by 153 different scientists. In those

13 studies, a lot of the scientific community

14 disagrees with you with regards to the cattle and

15 the tortoise.

16 MS. BERRY: With all due respect, the

17 first two citations you gave were

18 Dr. Claudia Luke, who has never worked on

19 tortoises and put together a review in 1990 and

20 1991. And Gorman was 1983.

21 Starting in the 1980s, the Bureau of Land

22 Management funded research on the effects of

23 grazing directly and indirectly on tortoises and

24 looking at food supply. So there have been a lot

25 of articles published by a lot of people since

1 that time.

2 Not all of those are cited in  
3 Dr. Gorman's review because it's a draft, and it  
4 has not yet been completed.

5 MR. BETTERLEY: Yes. I understand that.

6 MS. BERRY: Dr. Neagy has worked on the  
7 nutritional value of the plants, the aliens, as  
8 has Dr. Olaf (inaudible), doing extensive research  
9 on the food supply and how it's affected by cattle  
10 grazing. Dr. (inaudible) has looked specifically  
11 at impacts likely to occur on the juvenile  
12 tortoises.

13 MR. BETTERLEY: Didn't one of those even  
14 agree, though, that the cattle furnish food for  
15 tortoises by spreading the cacti around with the  
16 dung, and even the tortoises themselves eating the  
17 dung?

18 MS. BERRY: That was debunked by  
19 Dr. Mary Allen at the U.S. National Zoo  
20 Smithsonian. Very few bites that a tortoise takes  
21 are of scat of any kind. It seems to be more of a  
22 tasting sort of thing.

23 I think perhaps we shouldn't get into  
24 focusing on one set of impacts here. And maybe as  
25 part of your TRT, you can look at the summary of

1 the literature and the material that's available.

2 MR. BETTERLEY: You said in your 1978  
3 paper, I guess it was a guesstimation on your  
4 part, that there were between 400 and  
5 800 tortoises per mile square. Then you testified  
6 over in Barstow that there were between 200 and  
7 400 tortoises per square mile. There's no  
8 difference in a mile square and a square mile.

9 So what you're saying is that there's one  
10 tortoise per acre then. I've only been around in  
11 the desert for 77 years, but I've never seen that  
12 many.

13 MS. BERRY: Okay. Well, we have them  
14 actually marked. In the 1970s, we had a lot of  
15 tortoises marked at several study sites, including  
16 the area in the Fenner Valley, and the Desert  
17 Tortoise Natuary of Science. There at the natuary  
18 and also in Fremont Valley, there are very high  
19 densities of tortoises.

20 When I wrote the 1978 livestock grazing  
21 paper, that was a paper based on observations. It  
22 was a paper to generate ideas and to generate  
23 research, which ultimately it did, to address a  
24 number of questions about how livestock grazing  
25 might affect desert tortoises and their habitats.

1           So I think it's pretty important to start  
2 looking at some of the newer material that's out.  
3 And some of it may be out in esoteric journals  
4 related to nutrition research, but it certainly is  
5 available.

6           Yes?

7           MR. RISTER: You showed a slide there of  
8 the microfill woodlands and a dry wash of the  
9 lower Colorado desert. You indicated that the  
10 tortoises there, if I heard you correctly, either  
11 burrow in the bank or into the brush.

12          MS. BERRY: They can. But they also do  
13 live out under the ocotillos on the flats.

14          MS. RISTER: But in the dry washes  
15 themselves and nonconsolidated gravel, do they  
16 burrow into that?

17          MS. BERRY: Into the consolidated  
18 gravel?

19          MR. RISTER: No. The nonconsolidated  
20 loose gravel in the washes.

21          MS. BERRY: I've seen cover sites.

22          MR. RISTER: How could those burrows hold  
23 up in that nonconsolidated gravel that continually  
24 cave in and that won't even support itself?

25          MS. BERRY: Well, it might be what's



1 called a pallet burrow or shallow burrow that it  
2 would just spend a short period of time in. For  
3 instance, if a male was visiting a female or a  
4 female visiting a male, the animal might set up a  
5 temporary burrow and use it.

6 MR. RISTER: In the nonconsolidated  
7 gravel in those washes?

8 MS. BERRY: In the washes, uh-huh. I  
9 wish I had time to show you some of the sites.  
10 Also in the washes in the consolidated gravel,  
11 there are cover sites.

12 MR. RISTER: In the consolidated or  
13 non-consolidated?

14 MS. BERRY: Both.

15 MR. RISTER: In the loose gravel?

16 MS. BERRY: Yes.

17 MR. DENNER: I'm going to have to call a  
18 halt to this. Maybe we can pick up more questions  
19 before you start your next section after we take a  
20 break. Our court reporter no longer has the first  
21 three joints in her fingers. So we'll give her  
22 some time to regrow those. We're going to have to  
23 call it off now. We're way beyond time.

24 If there's more questions, we can pick it  
25 up when we come back, if everybody wants to do

1 that. It just moves everything else up further.  
2 So we're officially on a break for not very long  
3 because we have sandwiches coming in.

4 As soon as the key people are a little  
5 rested, primarily our reporter, you know, we're  
6 going to kick it off again because we're way  
7 behind.

8 (Brief recess taken.)

9 MR. DENNER: I think we're all here.

10 Dr. Berry, are you ready to continue?

11 MS. BERRY: Yes.

12 MR. DENNER: Do we have any more  
13 questions on that?

14 MR. KEMPER: Dr. Berry, how long have  
15 tortoises resided in the California desert in the  
16 Mojave?

17 MS. BERRY: Probably as long as the  
18 Mojave Desert has existed.

19 MR. KEMPER: During that time period,  
20 have there been large herbivores that the  
21 tortoises have competed with or coexisted with?

22 MS. BERRY: We don't have shell skeletal  
23 remains in the fossil records to be able to  
24 address that question. I could only answer it  
25 hypothetically. I can't answer it based on

1 science.

2           Ideally, we would find tortoise remains  
3 with large herbivores if they were to be present  
4 together, but we haven't found those kinds of  
5 remains.

6           MR. KEMPER: I'm not sure I understand.  
7 The answer to the first question was that they  
8 have been here as long as the Mojave.

9           Don't we know that there have been large  
10 herbivores here in the Mojave?

11           MS. BERRY: It depends on the timing. I  
12 couldn't tell you when the last camels were  
13 around. I don't know the date or the millennium.  
14 I don't know that much about paleontology to  
15 answer that question.

16           MR. KEMPER: Okay. Thank you.

17           MR. DENNER: Anyone else have questions?  
18 Okay. I guess we're ready to continue.

19           MS. BERRY: Okay. I'm now going to talk  
20 about some of the factors that led to the federal  
21 listing. This is really going to be a once-over  
22 lightly.

23           I have whole slide programs of two and  
24 three and four trays on threats to the desert  
25 tortoise. I'd like to cut that to about 10 to

1 15 slides. So this is very much a once-over  
2 lightly.

3 In 1989, the Fish and Wildlife Service  
4 moved forward for an emergency listing of the  
5 desert tortoise as endangered for a number of  
6 reasons.

7 The tortoise had been proposed for  
8 listing in 1984, but the Fish and Wildlife Service  
9 earlier ruled that though listing was warranted,  
10 it was precluded because of other higher  
11 priorities.

12 So listing was warranted in the  
13 mid-eighties. The final rule came out on  
14 April 2nd, 1990, and the listing was as a  
15 threatened species.

16 The listing portion of the range is the  
17 part we've been talking about, the part of the  
18 range of the population occurring north and west  
19 of the Colorado River, which is about the northern  
20 30 percent of the range.

21 Between 1990 and 1994, a recovery plan  
22 was developed. It went through at least two  
23 periods of comments, public and agency comments,  
24 where full documents were available for comment.

25 In the same year, critical habitat was

1 designated. The critical habitat covered  
2 approximately 24,000 square kilometers of the  
3 range in four states. The areas in blue are  
4 protected habitat that were sufficiently  
5 protected, but they were included in critical  
6 habitat designation.

7 Now, the threats to the tortoise that  
8 contributed to the listing include direct and  
9 indirect impacts. We can look at direct impacts  
10 to tortoises. And many of these direct impacts  
11 are human access related.

12 For instance, if there wasn't access to  
13 some of the remote parts of the desert, some of  
14 those activities wouldn't occur. There is  
15 collecting, vandalism, release of diseased captive  
16 tortoises, illegal transportation -- that is,  
17 moving wild tortoises from one area to another --  
18 recreational vehicle use, highways and roads.

19 These can result in direct take of  
20 tortoises. This picture is of a desert resident.  
21 It was taken about 35 years ago of an individual  
22 in the town where I grew up.

23 And we see in a lot of desert towns as  
24 well as in the Los Angeles basin and the San Diego  
25 area people who collect the tortoises and who

1 still have them as pets or have the offspring as  
2 pets.

3 Poaching has been an issue since the 50s  
4 and 60s. This picture was taken by a California  
5 Department of Fish and Game employee, a warden,  
6 who arrested a man in a California city area. He  
7 was collecting tortoises on his RV and shipping  
8 them to Utah. This occurred in the 1960s and the  
9 1970s.

10 Poaching still continues. This kind of  
11 poaching is at a relatively high level. We know  
12 this from one of our study plots in the desert  
13 which had a density of tortoises around 40 per  
14 square kilometer in the early 1980s.

15 Then we started to see the population  
16 drop. We did not see marked dead tortoises on the  
17 plot. Instead, by the early '90s and in 1995,  
18 people were found on the plot digging up the  
19 tortoises and collecting them.

20 When we went through the plot and counted  
21 up all the dug-up burrows, it was very obvious  
22 what had been happening to the tortoises. Because  
23 in all cases, all other cases where we see  
24 population declines in live tortoises, they were  
25 matched with dead tortoises found.

1           In the case of the poaching, we have had  
2 Asian immigrants who have come to this country.  
3 They're well aware of what they're doing and that  
4 it's illegal. In some cases they come from the  
5 state of Washington. They highly prize tortoises  
6 because of their longevity, their potential  
7 aphrodisiac qualities and for medicinal purposes.

8           In fact, there are serious problems  
9 internationally for a lot of turtles and tortoises  
10 because of this demand. There are tortoises  
11 worldwide that are flowing into China.

12           Vandalism is another issue. We've looked  
13 at the remains of tortoises found on study plots.  
14 This is the Kramer plot. This was the remains of  
15 a gunshot tortoise.

16           In looking through our collection of  
17 tortoise shells from all of our study sites, and  
18 this work was done in the early 1980s, in looking  
19 at over 600 shells, we had 20 percent in the  
20 western Mojave of the tortoises that had been shot  
21 and were dead for that reason.

22           Whereas, in the eastern Mojave and the  
23 Colorado desert at some of the more remote study  
24 sites, the percentage of animals that were shot  
25 was much lower. This material was in the Wildlife

1 Society bulletin and was published in 1985.

2           Highways and roads, dirt roads as well as  
3 paved, contribute to deaths of tortoises. There  
4 has been a considerable volume of work done on  
5 this, some of which shows the impacts to the  
6 tortoises. And the depressions in the tortoise  
7 populations can be seen over distances of up to  
8 one mile on either side of the road.

9           It could be a well-used road or a road  
10 that has a been used for the last 100 years that  
11 doesn't have a high traffic volume. We still see  
12 these kinds of depressions. That's why there has  
13 been some effort to identify particular roads that  
14 would have tortoise-proof fencing.

15           Now, let's look at degradation or change  
16 in desert tortoise habitat. There are a lot of  
17 long-standing historical uses that have degraded  
18 desert tortoise habitat. I'm not talking about  
19 range condition. I'm talking about what is desert  
20 tortoise habitat.

21           Cattle and sheep grazing,  
22 General Patton's military maneuvers in the early  
23 1940s, highways, roads, railroads which fragment  
24 and take up an enormous amount of acreage,  
25 agricultural and urban.



1           Let's just look at a few of these. As I  
2 said, I could do a lot of slides just on livestock  
3 grazing. We've already talked a little bit about  
4 it. I don't have a specific program on that. So  
5 I'd like to move on and just give you a picture of  
6 habitat in Southern California.

7           That's the beige colored areas and it's  
8 overlaid in pink with areas where General Patton  
9 trained his troops for World War II in the  
10 desert. Also included now are Fort Irwin and  
11 parts of Twenty-nine Palms.

12           Cities, towns and settlements have a big  
13 impact, and the impacts are both direct and  
14 indirect. They're not only loss of habitat, but  
15 they have an influence for quite a radius around  
16 them because of other types of human activities  
17 ranging from dumping garbage to deterioration of  
18 habitat, from all sorts of uses, invasion of weeds  
19 and aliens and so on.

20           Now, if we look at the tortoise habitat  
21 again that's shown in green polygons, you can see  
22 where urban agriculture has had an influence on  
23 the polygons of the habitat, particularly the  
24 western part of the habitat as well as along the  
25 Colorado River and in Las Vegas.

1           Off-highway vehicle use. Here we're  
2 talking more about concentrated use, not routes  
3 and trails. You can see what the overlaps are  
4 here. Again, this is just a gross way of looking  
5 at what's happened to habitat.

6           Instead of showing you the growths which  
7 many of you are already familiar with, we can look  
8 at the utility lines and how they too have  
9 fragmented the different habitats.

10          If you overlay all of these uses -- plus,  
11 I haven't shown you any mining and some of the  
12 other kinds of limited impacts that are small  
13 impacts on individual areas -- there's a  
14 considerable number of cumulative sources of  
15 problems that degrade or lessen the quality of  
16 habitat. In many cases of urban and agriculture,  
17 the habitat is just gone.

18          Associated with these impacts and many of  
19 them, especially the cities, towns and agriculture  
20 developments, we've seen a rise in raven  
21 populations. These raven populations have been  
22 growing steadily, and they're thriving.

23          Ravens are very effective predators on  
24 the small tortoises, particularly those that are  
25 under eight to ten years of age.

1           Part of the habitat degradation comes  
2 through invasion of alien plants. And the first  
3 four of these are aliens. The grass, oxtail,  
4 chess and chete. The split grass which is from  
5 North Africa, the Mediterranean, Asia, and then  
6 filaree.

7           As I mentioned earlier, we have a  
8 considerable portion of the biomass in the west  
9 Mojave, 65 percent on average, that's composed of  
10 the top four here.

11           In the eastern desert and the Colorado  
12 desert, that can be a lesser amount. But again,  
13 the amount depends on the amount of past  
14 historical disturbance and exactly what's gone  
15 on.

16           So there would be a lot more of the  
17 aliens around the disturbed areas, certainly  
18 around cities and towns than in remote areas.  
19 There would be more around cattle and water  
20 sources.

21           There are a lot more on roads, both dirt  
22 and paved. There is a correlation, a  
23 statistically significant correlation, in the  
24 numbers found along dirt roads and associated with  
25 dirt roads and routes in the desert.

1           We consider these degraded desert  
2 tortoise habitats. In addition they contribute --  
3 here's the split grass and the filaree, which is a  
4 food item for the tortoise, but it's way down on  
5 the list of popular and favorite food items.

6           In addition, these aliens have  
7 contributed to the change in the fire cycle. We  
8 have seen the loss of thousands of acres of  
9 habitat in the last 20 years due to the invasion  
10 and thriving of these annual plants.

11           Once the fires start -- they can be human  
12 started or they can be from lightning -- and they  
13 burn a large area, the desert tends not to  
14 recover. There's loss of the shrubs, of the  
15 bushes.

16           They may sprout the first time, but then  
17 the areas can be prone to fire again because the  
18 grasses come up again, the alien grasses, and then  
19 the area is very susceptible to an increase or  
20 more fires. So we see repeated burning in some of  
21 these areas.

22           Now I'd like to turn to tortoise  
23 population trends. I have coupled with this what  
24 has led to the mortality at five different sites.  
25 I want you to see the diversity of the causes of

1 declines of population.

2           I'll start with the first two that  
3 contributed to the federal listing in 1990, and  
4 then I will go on to the data that we have  
5 collected subsequently. So you'll see how some of  
6 these impacts have changed in terms of emphasis.

7           One of my projects when I was working for  
8 the Bureau of Land Management and that's continued  
9 now with the U.S. Geological Survey is the  
10 long-term study of tortoise population status and  
11 trends, looking at population attributes such as  
12 density, size and class structure, sex ratios,  
13 causes of deaths, mortality rates by size, class,  
14 changes in habitat that are associated with  
15 changes of tortoise population, changes in  
16 vegetation.

17           The work started at these 15 sites in the  
18 late 1970s, and by 1980, we had set up all the  
19 plots and had our basic study design and  
20 methodology down. Each one of these sites is one  
21 square mile in size or larger up to three square  
22 miles.

23           The first site I'll tell you about is the  
24 Desert Tortoise Natuary, which is in the western  
25 Mojave Desert. This is a graph showing changes in

1 density with the years along the horizontal access  
2 and the density in kilometers along the vertical  
3 access. What you see with the pink bars are the  
4 midpoint of the population estimates.

5           When we started the work in 1979, we had  
6 some pretty good densities of tortoises, depending  
7 on the site there, close to 300 or more tortoises  
8 per square mile. This is all sizes of tortoises.

9           Now, in other graphs I have but I'm not  
10 going to show because it gets too complicated, you  
11 see adults and you see changes in adults.

12           We're really interested in changes in the  
13 breeding population too, because these are the  
14 animals that will determine the recovery rate in  
15 case there are problems or declines.

16           So you see the declines were being  
17 measured in the early 80s. And then in the early  
18 years in the 1980s, shortly after the fence had  
19 gone up, and this is an interior -- a plot well  
20 into the interior, we were seeing some losses here  
21 due to off-road vehicle use and sheep trampling.  
22 We were definitely seeing raven kills and  
23 shooting.

24           By 1988, the fence was being respected.  
25 We saw very few deaths due to off-road vehicle use

1 or shooting, but we began to see or we were seeing  
2 a lot of raven deaths of juvenile tortoises. A  
3 lot of raven deaths.

4 But we began to see at this point the  
5 first tortoises with upper respiratory tract  
6 disease. So the population dropped very rapidly  
7 from '88 to '92. By 1989 we were seeing sick  
8 tortoises lying out on the surfaces unable to get  
9 around, and the population basically crashed. So  
10 we lost 90 percent of the population.

11 Now we have very few adult tortoises and  
12 very few total numbers of tortoises, very few  
13 females that can reproduce. The animals that are  
14 left look robust. And while some of them  
15 obviously have upper respiratory tract disease,  
16 they're well muscled and appear to be active and  
17 doing well.

18 However, we are still finding baby  
19 tortoises that are killed by ravens. So the  
20 chance for population recovery here is going to be  
21 very difficult unless that component of the  
22 mortality is altered -- that is, the raven  
23 prevention.

24 Here's a tortoise that's ill with upper  
25 respiratory tract disease. We were well aware

1 that this disease occurred in captive populations  
2 in the 1970s. There were publications on it.

3 In 1977, the Bureau of Land Management  
4 funded a study with U.C. Davis to find out what  
5 the pathogen was that was involved. They were  
6 unable to do so and just said it was a nutritional  
7 issue.

8 When we first started seeing it in 1988  
9 and 1989, we were able to get Dr. Elliot Jacobson  
10 and a team of scientists from the University of  
11 Florida. These are the top people in the world in  
12 reptile diseases.

13 Within a few years they figured out what  
14 pathogen was involved. It is a microplasma, which  
15 is a very small bacteria. One hypothesis is that  
16 it was introduced in the release of captive  
17 tortoises into the desert. We can talk more about  
18 that later.

19 Also of interest was that the tortoises  
20 at the natuary that were ill had eleven times the  
21 level of mercury in their livers as did well  
22 tortoises in the other areas. I just want you to  
23 keep that in the back of your minds for now.  
24 Mercury doesn't help anybody.

25 The next population that figured in the



1 listing was the population on the Chuckawalla  
2 Bench. It's here that we have the highest  
3 densities of tortoises ever reported. That was on  
4 our study plot. This is in the Colorado desert  
5 habitat, a very rich and diverse shrub community.

6           We saw declines in this population  
7 associated with the appearance of a shell  
8 disease. The declines weren't as severe as at the  
9 Desert Tortoise Natuary.

10           There were about 50 percent between 1982  
11 and 1988, 1992, but they were nevertheless quite  
12 worrisome because we saw the disease associations  
13 as well as the females were affected.

14           There were very few breeding females left  
15 in this population in 1992, and the numbers have  
16 continued to decline. So there are a lot of big  
17 old females but very few females. So by 1997,  
18 this population has declined over 70 percent.

19           At the site between 1979 and 1982, we  
20 have seen deaths due to ravens, shooting. There  
21 were quite a number of shooting deaths. We found  
22 off-road vehicle use that was unauthorized that  
23 has killed marked tortoises. So there are a  
24 number of issues in this area.

25           I want to show you what the shell disease

1 looks like. This is one of the tortoises. This  
2 is No. 425 in 1979, 1982. And this is what it  
3 looked like in 1988. The disease often shows up  
4 on the underside of the shell. Some people call  
5 it flaky shell disease. There's a paper published  
6 on it.

7           Basically the scoot or epidermal material  
8 lightens, deteriorates and flakes away, exposing  
9 bone underneath. Sometimes there's large areas of  
10 bone. Bone can become necrotic or dead, and the  
11 animal is unable to repair its shell. It's a  
12 metabolic problem, and I'll talk more about what  
13 we think is causing this disease shortly.

14           But anyway, the declines are associated  
15 or correlated with the appearance and rise of this  
16 disease. We see this disease in other parts of  
17 the desert, and in severe forms, it will cover all  
18 of the shell and discolor it. Then the layers of  
19 scoots will flake away.

20           Because of the concerns about the  
21 different diseases, the agencies got together, and  
22 largely funded by the Bureau of Land Management,  
23 started to look at some of the diseases that were  
24 being seen for the first time in desert tortoises,  
25 looking at why and what were the sources, what

1 were the pathogens and what could be done about  
2 it, what were the management implications.

3           We had field evaluations. We started  
4 doing field evaluations for health and disease on  
5 all our study plots. We looked at three sites in  
6 California.

7           We looked at blood values, and for the  
8 very first time have been able to tell what is a  
9 good set of blood values for a healthy tortoise  
10 versus an ill tortoise and how that changes by sex  
11 and whether it's a wet year or dry year.

12           All these data points are published and  
13 they are being used for the vets as well as for  
14 people working on wild populations.

15           "URTD" stands for "upper respiratory  
16 tract disease" caused by microplasma. Two species  
17 of microplasma have been identified. A transition  
18 study has been done on one. We know that they are  
19 highly infectious diseases to tortoises. Not  
20 humans but to tortoises.

21           The shell disease has been  
22 characterized. We're still learning more about  
23 it. We're learning about the role of toxicants,  
24 heavy metals and other elements that are toxic to  
25 vertebrate animals.

1           We've altered our field procedures.  
2   Since 1988 and '89, we've disinfected all  
3   equipment and use fresh latex gloves for handling  
4   each individual. Our techniques have been picked  
5   up and used by other tortoise people worldwide.  
6           One of the features we look at with the  
7   tortoise to determine its health is to look at its  
8   face or beak, particularly the eyes. As you know,  
9   much the tortoise is covered with the shell and  
10  the rest of it with scales. So it's kind of hard  
11  to tell just how sick it is, especially since you  
12  can't talk to it.  
13           But the lids are very important. Mucus  
14  in the eyes, mucus from the nose, those are all  
15  important features. Here's a tortoise that was in  
16  our research program at the Desert Tortoise  
17  Natuary with typical signs of upper respiratory  
18  tract disease with the swollen eyelids, swollen  
19  eyes, bulging eyes.  
20           I'm going to change here. This next one  
21  shows the nose or the nostrils which we call the  
22  nares. This is of a healthy tortoise. It's got  
23  clear nostrils. It doesn't have any ticks in  
24  them. It doesn't have any mucus drainage. And in  
25  contrast, here's one that has been chronically ill

1 with upper respiratory tract disease with a runny  
2 nose.

3           We recently identified another very  
4 infectious and serious disease in tortoises and  
5 that is herpes virus. That is characterized by  
6 many of the same upper respiratory signs that we  
7 see with the microplasma, but it's also got sores  
8 and plaques in the mouth.

9           So the kinds of things you see with the  
10 desert tortoise and the clinical signs of disease  
11 are similar to some of the diseases seen in human  
12 beings, but they're specific to this reptile.

13           Now, what does all this mean? Where did  
14 they come from? Where did this disease come  
15 from? Why did they just appear?

16           Well, one hypothesis is that with the  
17 release of so many captive tortoises and many of  
18 the captive tortoises are ill, that they brought  
19 the highly infectious disease into the wildlife  
20 population.

21           Certainly captive owners know that if  
22 they take on a new tortoise that's sick and put it  
23 with their healthy herd, that it within three  
24 weeks to a month or six weeks that all the  
25 tortoises are sick. On that basis, research was

1 done on transmission of disease. So we know these  
2 are very infectious diseases.

3 In the last few years, there are several  
4 scientists including myself who have worked on the  
5 epidemiology of these diseases to see if the  
6 captives are playing a role. We're seeing that 60  
7 to 80 percent of the captive population is  
8 carrying either microplasma or herpes or both.

9 So in those desert towns and where people  
10 decide they don't want to keep their tortoise  
11 anymore, they let it go or it gets away, these are  
12 indeed serious threats to the well-being of the  
13 tortoise populations and also to managers working  
14 on recovery efforts.

15 Now I'm going to turn to recent data.  
16 This is from our Goffs population which we call  
17 our gold standard population up until the mid  
18 1990s. This population is in the Mojave National  
19 Reserve. We've studied it since 1977.

20 This graph shows the population densities  
21 for all sizes of the tortoises between 1980 and  
22 the year 2000. The first three bars -- and these  
23 just represent some of the years where the work  
24 was done -- give you the indication that the  
25 population was stable during this period. The

1 population stayed at about 175 tortoises per  
2 square kilometer, a high-density population.

3 By the year 2000, this population had  
4 crashed. We look at the adult population. There  
5 were between about 70 and 80 tortoises per square  
6 kilometer. In a six-year period, they died off.

7 We found 231 remains on the plot. Many  
8 of them are marked tortoises. Unfortunately we  
9 were not able to get out to this plot when we  
10 should have sampled it in 1998.

11 So we are doing our best to determine  
12 what may have contributed to the deaths. But  
13 there are still 30 percent of the animals dead for  
14 unknown reasons. This is in part because we have  
15 only partial remains for many of them.

16 Mammalian predation and scavenging.  
17 Where you see predation, scavenging is also  
18 included. About 31 percent showed signs of  
19 predation and scavenging. About 25 percent showed  
20 signs of shell disease. Vehicle deaths and  
21 scavenging accounted for about 9 percent. And  
22 then there's the alien predation and the ravens.

23 This gives you a gross picture based on  
24 shell skeletal remains. I'll talk about the  
25 necropsies of the tortoises in a moment.

1           MR. KEMPER: Dr. Berry, while you have  
2 that slide up, my hearing is not the best, but I  
3 thought you said that the shell disease  
4 contributed to 25 percent. The chart says 14.

5           MS. BERRY: It's in two places. Shell  
6 disease and other signs of illness, or there could  
7 be shell disease or scavenging with chew marks on  
8 the remains.

9           If one is surveying the plots every year,  
10 we can have a good idea of what happened. If we  
11 survey the plots every four to six years, we can't  
12 be as precise about what the signs are on the  
13 remains.

14           The management issues at this site  
15 include the presence of a nearby road and dirt  
16 road, alien plants. This is an area where the  
17 Moroccan mustard is invading, adding to the alien  
18 plant load.

19           Disease, shell disease, the animals that  
20 we've salvaged and necropsied had elevated levels  
21 of toxicants. There are animals with  
22 microplasmosis and animals with herpes virus.  
23 This is near an area where tortoises have been  
24 released and were released in the past.

25           The next site is the Chemehuevi Valley.



1 This is the site that I wanted to point out to  
2 Mr. Reddy, because this is an area where  
3 General Patton did tank maneuvers, and there are  
4 scars of the tank maneuvers all over the valley in  
5 that area.

6           When we began our work in the late '70s,  
7 there were about 50 tortoises per square kilometer  
8 up to '88. The numbers gradually grew. By 1992  
9 we were seeing a decline in adults. This is all  
10 sizes of tortoises. But if we had the adults in  
11 here, you'd see the adults going up here to '88.  
12 And then the adults dropping significantly here.  
13 By 1999, the population had crashed also.

14           If we look at this one, there were  
15 341 bodies we found. We had I think 37 live  
16 tortoises on the plot. There were about  
17 41 percent with signs of mammalian predation and  
18 scavenging. There were vehicle signs on about  
19 19 percent, shell disease on 5 percent and some  
20 with alien predation.

21           The vehicle issue is an important one  
22 because this is something that can be dealt with  
23 management-wise. That site is near Highway 95.  
24 It's also near a truck stop, a casual truck stop.  
25 Not an official stop. At the area where the

1 trucks pull over, there's an enormous number of  
2 coyote droppings. So I think there's garbage left  
3 there.

4           So we wonder if there's intense mammalian  
5 predation going on with coyotes on the tortoises  
6 because they're subsidized by truckers and other  
7 human activity.

8           Here's one of the dirt roads that run  
9 through the plot where we found remains of marked  
10 tortoises. If we look at management issues that  
11 need to be addressed, we have disease, vehicle use  
12 on dirt roads and off roads, and then the alien  
13 plants.

14           At this site we have a massive invasion  
15 of the Moroccan mustard coming into the washes.  
16 It extends more than a mile out from the highway.  
17 I don't know where the invasion ends. But this is  
18 a species that has come in in very recent times,  
19 in the last couple of decades.

20           Now, at Goffs and at Chemehuevi, we took  
21 tortoises that were ill from both spots, we  
22 salvaged these animals to determine what was  
23 making them ill and to find out more about the  
24 diseases.

25           At both sites we had animals with

1 skeletal, muscle degeneration and atrophy, atrophy  
2 of the thyroid, the pancreas, the liver, and in  
3 the males, the testes. The males were not  
4 functioning males. And according to the  
5 pathologist, Dr. Homer, they probably couldn't be  
6 because of the severe damage to their testes.

7           We're just going to look at the liver now  
8 instead of looking at a lot of organs. What we  
9 saw in the liver was elevated concentrations of  
10 metals and other minerals that can be toxic.

11           At both Goffs and Chemehuevi, there were  
12 elevated levels of selenium, iron and boron in the  
13 liver. And at Goffs in addition, mercury,  
14 cadmium, phosphorous, copper, lithium and zinc.

15           Of interest is that though the selenium  
16 levels were high in the liver, they were at the  
17 plasma level, out in the blood, which is very  
18 important. They were virtually nondetectable.

19           The animals were suffering from a  
20 selenium deficiency. In control animals, that is  
21 animals that were healthy -- there were road kills  
22 and military tank maneuver kills, that sort of  
23 thing -- that were deemed healthy, you can see the  
24 range in parts per million of what the selenium  
25 level should have been.

1           The problems we're seeing, though, in all  
2 ill tortoises in the desert that we've seen,  
3 statistically, the metals and potentially toxic  
4 elements are elevated compared to the controlled  
5 or healthy animals.

6           But at these sites and elsewhere, we  
7 don't see one particular metal standing out. We  
8 see instead a lot of different ones that change  
9 from individual and by site.

10          For instance, in 1992 at the Chemehuevi  
11 Valley, we found tortoises that were high in  
12 chromium and lead. So there's often no consistent  
13 deficiency in a particular element.

14          In the two study sites I mentioned,  
15 though, the elevated elements could be responsible  
16 for tying up selenium so it can be not used by the  
17 body. That's one of the actions that heavy metals  
18 and other toxic elements do. They bind with  
19 proteins and other important body functioning  
20 proteins and other parts of the metabolic process  
21 and hamper it.

22          So we know at these two sites, there's  
23 metabolic and nutritional diseases. We don't know  
24 what the source is, whether it's from the elevated  
25 elements that contribute to shell disease or

1 whether the shell disease contributes to a loss of  
2 body condition and then the animals pick up the  
3 heavy metals. Actually, we think they're picking  
4 up the heavy metals and the other elements from  
5 the foods and from the soil.

6 I don't know whether any of you people on  
7 the advisory council saw the L.A. Times article on  
8 the bighorn sheep in Wyoming, but there was a  
9 description two weeks ago about how the calves  
10 were dying and how the population was declining  
11 very rapidly.

12 They put a man in the field to follow the  
13 bighorn for the last four years. The finding was  
14 that they were selenium deficient. They had white  
15 muscle disease, sort of a muscular dystrophy, and  
16 the lambs died right away.

17 They think that the cause is air  
18 pollution, particularly from nitrates settling on  
19 the soil. And the nitrates affect the uptake of  
20 selenium in the animals and the plants and so on.  
21 So it's a pretty complex system.

22 Now, remember that the tortoises of the  
23 Desert Tortoise Natuary had very high levels of  
24 mercury. So in that case we did see the  
25 population decline very rapidly. But it had two

1 problems. It had elevated levels of mercury as  
2 well as being hit with a very infectious disease.

3           The levels of elements or accumulations  
4 of them can affect the immune system of an animal,  
5 whether it's a cow or whether it's a tortoise or a  
6 human being, and make them more prone to getting  
7 ill and then dying more easily or more quickly.

8           I'm going to show the last population.  
9 This is in the west Mojave. We just finished our  
10 survey this spring, and I thought you might want  
11 to see some of the data. This is from the Fremont  
12 Valley. We started off with some pretty good  
13 populations in 1979 with 81. We're showing only  
14 81 through this year, 2001. Again, these are all  
15 sizes of tortoises.

16           In this period, the declines were largely  
17 due to shootings and off-road vehicle use. You  
18 remember that I showed you the slide of the  
19 20 percent of tortoises from the sample of 635 in  
20 the west Mojave, that 20 percent were killed by  
21 gunshot, the highest gunshot rates from this  
22 plot.

23           By 1987, we were still seeing some of the  
24 same kinds of activities. By 1991, there was  
25 upper respiratory tract disease at the plots.

1 This year, we're down to I think about seven adult  
2 tortoises per square mile -- seven per square  
3 kilometer in the area.

4           What's going on now? Well, domestic dogs  
5 coming out from the desert towns are attacking the  
6 tortoises and chewing them to death. That's  
7 certainly obvious on shell skeletal remains we've  
8 seen.

9           In 1991, one of our field workers was  
10 charged by a pack of dogs while he was in the  
11 filed. If he hadn't been such a huge person and  
12 rather ominous looking himself, I hate to think  
13 what would have happened with the dog pack.

14           But have we do have issues with domestic  
15 dogs. We have them at more than one plot. We  
16 have them at our Lucerne plot and also at the  
17 Desert Tortoise Natuary. So domestic dogs coming  
18 from areas two to four miles away and certainly  
19 around the towns, this is an issue.

20           I mentioned domestic dogs. We still have  
21 unauthorized recreational vehicle use. In the  
22 transit we did in the entire plot this spring, we  
23 had one percent new tracks or one percent of the  
24 surface area of the plot was covered with new  
25 tracks. These are just individual tracks of

1 motorcycles or other vehicles driving around.

2           There's also the nearby Red Rocklands

3 dirt road where tortoises were killed on that road

4 even though it has low traffic volume, and then

5 the ravens. Ravens are still killing the small

6 tortoises.

7           So you can see that with all of these

8 issues, it's very difficult for some of these

9 populations to thrive much less recover. Many of

10 these populations are now down to the point where

11 we have seven to ten or twelve adults per square

12 kilometer.

13           In some populations, those adults are

14 largely male, such as at Goffs and at

15 Chuckawalla. At the Fremont area, we have only

16 very small females left. We don't have any great

17 big females, but just young teenage types.

18           Now, the recovery issues in California,

19 what we're seeing is a continued downward trend.

20 We're seeing many different anthropogenic sources

21 of mortality. We're seeing that disease-related

22 sources of mortality appear to be on the rise.

23           If you read articles on endangered

24 species, listen to the radio or the television

25 programs, you will see and notice that there are a



1 lot of species that are being affected now by  
2 disease that were not affected by disease  
3 previously.

4           And certainly at a recent conference in  
5 July where there were probably over 100 papers on  
6 endangered species, this is a phenomenon that is  
7 not just in North American, but it's worldwide.

8           There's a lot of concern about  
9 pollution. Yesterday on the television there was  
10 a news bite on orcas in Puget Sound, that they're  
11 declining because of pollution and because of the  
12 loss of salmon.

13           So what you're seeing with the tortoise  
14 here is the degradation of the habitat. Whether  
15 it's due to air pollution or whether it's due to  
16 disturbance and to the invasion of alien plants,  
17 it's due to a lot of different causes.

18           I'd certainly like to still be working  
19 when I quit seeing so many of these boxes of these  
20 on our plots and see more of the little guys  
21 making a comeback. It's going to take an enormous  
22 amount of effort from all sorts of people and  
23 sources and agencies to accomplish this because  
24 the issues are so complex. Thank you.

25           MR. DENNER: Thank you, Dr. Berry. Any

1 questions?

2 MR. KEMPER: I've got several, but I'll  
3 let anybody else go first.

4 MR. CASEBIER: I'd like to make a  
5 comment. As you know, I live in Goffs and I've  
6 lived there for 11 years now and really not that  
7 far from your study plot. In the year 2000, it  
8 was mostly dry in Fenner Valley. You can't always  
9 say that.

10 It's like this year, we haven't had a  
11 good rain yet in Goffs, and it's rained well in  
12 other places. We didn't see many tortoises. But  
13 this year, we saw more tortoises than we've seen  
14 in the 11 years we've been there.

15 In fact, at one point, I drove between  
16 Goffs Road and the (inaudible) lined up there, and  
17 I counted 13 tortoises.

18 If you hadn't shown me the data and you'd  
19 come up asked me, I'd say they were doing fine.  
20 They were all sizes. Little bitty ones, great big  
21 ones.

22 I didn't see any tortoises killed on the  
23 road in spite of that. There's not that many  
24 outsiders using that road, and locals are pretty  
25 careful about things like that.

1           I did find a couple of little ones that  
2 ravens had gotten into. I go walking out on the  
3 desert every morning quite a long ways. There are  
4 a lot of shells out there, dead ones. I always  
5 figured it took a long time for them to get there  
6 and they last for quite a while.

7           But I have a hard time reconciling what  
8 we saw this year with the statistics that you  
9 showed, that only 10 percent of our tortoises are  
10 left and I counted 13 of them in three miles of  
11 all sizes and shapes.

12           MS. BERRY: Well, I hope there is a core  
13 left somewhere out there. We had National Park  
14 Service people coming to us in 1997 and '98,  
15 recording that they were seeing a lot of  
16 freshly-dead tortoises just on the surface in the  
17 desert and in a number of areas in the Fenner  
18 Valley.

19           And then Bureau of Reclamation research  
20 scientists also were doing surveys for another  
21 purpose dealing with the 1942 tank maneuvers, and  
22 they documented a lot more freshly dead animals  
23 than alive.

24           So I would hope there would be some  
25 residual populations that were robust. And

1 certainly in the west Mojave with the work that's  
2 been going on for the last 10 years on the  
3 sampling, they have identified some areas where  
4 the concentration of tortoises remain. So that's  
5 what you may be seeing, and there may be some  
6 pretty good profits.

7 MR. CASEBIER: Another observation, and I  
8 only say these things because you're dealing with  
9 something extremely complex here, and you couldn't  
10 begin to lay out all the variables that get  
11 involved in something like this. So anecdotal  
12 observations may have some merit.

13 During the period that you mentioned the  
14 population was crashing, we had very few cattle  
15 down there, whereas historically in lusher times,  
16 there were a lot of cattle down there.

17 But from about 1995 to the present, just  
18 a handful of cattle get down there once in a  
19 while. So right during that period when the  
20 population crashed, suddenly we didn't have any  
21 cows.

22 MS. BERRY: I think you've made a very  
23 good point. When we looked back at the Goffs  
24 population and the Goffs data, we had health data  
25 from two miles from our main population where we

1 had bled the tortoises for five years. And then  
2 collecting very intensive information on health,  
3 we saw the microplasma develop over a period of  
4 five years. We saw the first plaques of herpes.

5           So the indications were there that there  
6 was trouble well under way in the early 1990s.  
7 And it wasn't until the mid 1990s that the decline  
8 started.

9           When we analyzed the shells, there wasn't  
10 just one area where they were all dying. They  
11 were dying in almost equal numbers for the  
12 remaining individuals in each one of those years  
13 between 1994 and the year 2000.

14           There was a paper given at this last  
15 Society of Conservation of Biology meeting that I  
16 attended. It pointed out that with many  
17 endangered and threatened species, the habitat is  
18 deteriorating and has been deteriorating for a  
19 very long period of time.

20           The habitat as it goes downward, the  
21 population is going along like this, and then all  
22 of a sudden, the population crashes, that the two  
23 don't necessarily track.

24           So the animals and the populations of  
25 animals may be able to withstand deterioration for

1 some period of time, and something or some group  
2 of factors will push them over the edge. We don't  
3 know if that is the case of the tortoise, but it's  
4 certainly some topic that deserves some  
5 attention.

6 MR. REDDY: I have a question. I was  
7 curious. I was looking at all your charts on the  
8 deaths and maybe it was a confused -- maybe I'm  
9 confused about the predation. I don't know much  
10 about which mammals are degrading it. Do the cows  
11 eat them?

12 The discussion -- we have a TRT now, and  
13 the lawsuit is getting cattle off the grounds. I  
14 didn't see anything on cattle deaths or any of  
15 their causes, unless that's lumped in with mammal  
16 predation.

17 MS. BERRY: The mammalian predation  
18 includes scavenging. What that's based on is the  
19 condition of the shell, whether it's broken apart  
20 while the animal is alive. And one can tell by  
21 whether the bone has been twisted and  
22 whether there are tooth marks on it while it's  
23 fresh.

24 There are different kinds of signs of  
25 mammalian predation, but the size of the teeth and

1 the size of the tortoise figure closely in with  
2 that. We also find remains in coyote scat.  
3 We don't find any remains in kit fox, but  
4 that's because the kit fox has a very good  
5 digestive system. The kit fox will eat a tortoise  
6 and shake the bones and the scoots out the side.  
7 But with the coyote, it comes all the way  
8 through.  
9 Occasionally there will be bobcat  
10 predation. In the Sonoran Desert in Arizona,  
11 mountain lions often kill tortoises.  
12 MR. REDDY: What I meant was where was  
13 the category for cattle deaths?  
14 MS. BERRY: There was no cattle category  
15 on either of those.  
16 MR. REDDY: Because there were no cattle  
17 grazing in the area?  
18 MS. BERRY: There has been cattle grazing  
19 on the Goffs plot in the past. There was not  
20 cattle grazing when we were out there last year.  
21 And there was cattle grazing in the Chemehuevi  
22 plot.  
23 It's confined mainly to the washes,  
24 though there are cattle scat that can be found on  
25 the plot. Some of the -- well, we didn't

1 categorize any of these individual remains that we  
2 found as cattle cost.

3 MR. REDDY: That's what I was asking.

4 MS. BERRY: We didn't. We didn't  
5 categorize them.

6 MR. REDDY: Does that mean none of them  
7 were caused by cattle?

8 MS. BERRY: No. It just means that we  
9 didn't see the signs of having been killed by a  
10 cow that we would attribute that as the cause of  
11 death.

12 MR. BETTERLEY: They didn't have any  
13 teeth marks on them from the cows.

14 MS. BERRY: Well, we have seen cattle  
15 cause deaths in the Johnson Valley. In that case,  
16 we saw the cattle footprints around the crushed  
17 tortoises.

18 MR. BETTERLEY: I have one question, if I  
19 could. You were talking about alien plants. You  
20 mentioned filaree. Is that an alien plant?

21 MS. BERRY: Filaree is an alien plant.

22 MR. BETTERLEY: How long has it been  
23 here?

24 MS. BERRY: It's probably been on the  
25 desert at least 100, maybe 150 years.



1           MR. BETTERLEY: Okay.

2           MS. BERRY: (Inaudible) we believe came  
3 in the '30s, and the Moroccan mustard much more  
4 recently.

5           MR. DENNER: Randy, do you have a  
6 question?

7           MR. RISTER: Yes. I have several  
8 questions. On the surviving tortoises that you  
9 see out there now, are they still infected with  
10 the diseases?

11          MS. BERRY: Once you have an infectious  
12 disease like herpes or microplasma, you always  
13 have it.

14          MR. RISTER: Are they reproducing now?

15          MS. BERRY: That's a good question. We  
16 have found some egg shells. I don't know whether  
17 or not they're good reproductions. Certainly with  
18 the male testes in the animals that were salvaged,  
19 it didn't look good. So I can't say whether all  
20 the males have good sperm or not and how the  
21 females are doing.

22          MR. RISTER: But you are seeing young  
23 tortoises?

24          MS. BERRY: We see a few.

25          MR. RISTER: On the population densities

1 that you've indicated, for example, you showed I  
2 think two sites on the Chuckawalla Bench that you  
3 had been monitoring for a number of years.

4 MS. BERRY: One site.

5 MR. RISTER: One site. How big is that  
6 site?

7 MS. BERRY: That one is slightly over a  
8 square mile. To follow up on that particular  
9 study, we set up plots on seven square miles  
10 randomly placed across the area of concern to see  
11 if the shell disease and the high mortalities were  
12 being seen on any area other than the study plot.  
13 Indeed we found there were.

14 MR. RISTER: Now, the Chuckawalla Bench  
15 has been closed to vehicle access for how many  
16 years?

17 MS. BERRY: It's not closed to vehicle  
18 access. It's got the Bradshaw Trail and a number  
19 of routes that run through it.

20 MR. RISTER: How far is your location  
21 where you do the study from the Bradshaw Trail?

22 MS. BERRY: It's adjacent to the Bradshaw  
23 Trail.

24 MR. RISTER: And the seven other sites or  
25 the other sites that you've had, are they also

1 adjacent to the Bradshaw Trail?

2 MS. BERRY: No. No, they were not. They  
3 were spread north to south, east to west.

4 MR. RISTER: And isn't it true that the  
5 area north of Bradshaw Trail has either been an  
6 ACEC or a wilderness study area for at least a  
7 decade or longer and closed to vehicle traffic?

8 MS. BERRY: The areas where the tortoises  
9 occur primarily are not in the wilderness area.  
10 We're talking about the ACEC area?

11 MS. RISTER: Yes.

12 MS. BERRY: There are numerous designated  
13 routes in that ACEC.

14 MR. RISTER: And the other portion of the  
15 Chuckawalla Bench that you're studying is the  
16 bombing range; is that correct?

17 MS. BERRY: I'm not studying that, but  
18 Peter Woodman is studying that for the navy.

19 MR. RISTER: Yes. That's been closed  
20 since World War II.

21 MS. BERRY: That's right.

22 MR. RISTER: So the vehicle access into  
23 the Chuckawalla Bench, into the ACEC and into the  
24 bombing range has either been nonexistent or very  
25 minimum restricted?

1           MS. BERRY: I wouldn't say it's  
2 nonexistent at all. We have had unauthorized  
3 use. There's heavy traffic now of illegal  
4 immigrants through that area.

5           MR. RISTER: On the Bradshaw Trail?

6           MS. BERRY: On the Bradshaw Trail and the  
7 gasline road and other roads. When I was out  
8 there sampling soils and plants with the geologist  
9 to look at the reasons for the elevated toxins in  
10 the tortoises, I was out three different times,  
11 and each time we saw the border patrol. We saw  
12 law enforcement personnel, and we saw vans of  
13 illegals.

14           In one case -- well, in two cases, we  
15 were stopped, and I was asked to move my vehicle  
16 so the two vans of illegals could move on.

17           MR. RISTER: That's on the gasline  
18 trail?

19           MS. BERRY: That was on the gasline road  
20 and on the Bradshaw Trail.

21           MR. RISTER: Yes. On these plots that  
22 you have set up, how do you actually determine the  
23 densities of the tortoises? What methods do you  
24 use?

25           MS. BERRY: Well, they're classic mark

1 and recapture survey techniques for determining  
2 density. Within a very narrow time period to  
3 reduce movement of tortoises off the plot or onto  
4 the plot, you need to do two complete coverages of  
5 the plot.

6           On a square mile area, we have a 60-day  
7 survey. There are 30-person days put into doing  
8 the first coverage to find every tortoise. And  
9 then there are 30-person days put into the second  
10 coverage.

11           The surveys are done when there is the  
12 key time the tortoises are above ground and active  
13 and most easily found, though we do pull tortoises  
14 out of their burrows. We look down every single  
15 cover site, and we pull them out of their burrows  
16 to conduct the survey and to determine which  
17 tortoise we have at hand.

18           MR. RISTER: Do you happen to know the  
19 acreage approximately of Category 1, 2 and 3 of  
20 critical habitat designation in that area?

21           MS. BERRY: No, I don't.

22           MR. RISTER: Is it like two or three  
23 hundred thousand acres?

24           MS. BERRY: I know it's the smallest  
25 critical habitat in the Chuckawalla Bench. There

1 was concern about whether it was even a viable  
2 unit. Critical habitat is not the same as  
3 Category 1, 2 and 3, which is a Bureau of Land  
4 Management designation.

5 MR. DENNER: We've got to move this on.

6 MR. RISTER: Isn't it true, though, that  
7 the original density of populations are based upon  
8 a very small plot that you studied in very large  
9 varied terrain including mountains and canyons and  
10 washes?

11 MS. BERRY: No. That's not true.

12 MR. RISTER: I could say if you measured  
13 the people and skyscrapers in L.A. and the people  
14 and skyscrapers in Phoenix and extrapolated  
15 between Phoenix and the L.A. desert area, I could  
16 come up with an arbitrary number of several  
17 hundred million people by not checking what's  
18 between them.

19 MS. BERRY: No. That is not what has  
20 occurred. I could have showed you slides of all  
21 the transects that we walked in the desert. There  
22 are over 2,000 of those. We focused in on -- when  
23 we talk about areas, we talk about the tortoise  
24 habitats. We don't talk about places the  
25 tortoises don't go such as in the Chuckawalla

1 mountains and steep rocky slopes. Now, in Arizona  
2 you might find them in the steep rocky slopes.

3 But no, I have not done that. We have  
4 used the demographic data from the study plots as  
5 an indicator of what could be going on in adjacent  
6 areas. We have followed up with special studies  
7 in a number of areas to determine if this is in  
8 fact a widespread phenomenon or if it isn't.

9 It's like looking at upper respiratory  
10 tract disease. Is it widespread across the desert  
11 or is it concentrated in one area over another?  
12 Are the declines in the Chemehuevi Valley only  
13 located on the plot or are they only on the east  
14 side of the highway for some reason?

15 MR. RISTER: But isn't it true that much  
16 of the area that's now designated as critical  
17 habitat really is not suitable for tortoises  
18 because it is mountains in a bombing area in the  
19 Chuckawalla Bench, but it is included in the large  
20 perimeter of the line that's drawn for critical  
21 habitats?

22 MS. BERRY: I would not say that, no. I  
23 would not say that. Having been on the recovery  
24 team and listened to so many of the experts,  
25 including Dr. Peter Brusard who has worked

1 worldwide on endangered species including the  
2 rhinoceros and butterflies, and looked at the  
3 history of the individuals in question, there was  
4 a great deal of concern that with the potential  
5 for climate change, that we include some of the  
6 marginal habitats that occur as well.

7           For instance, some of the rolling hills  
8 where the floor of the desert dries, the tortoises  
9 and the animals that have some requirements would  
10 be found on the lower parts of the slopes or the  
11 slopes. They may be in lower densities, but they  
12 will have a food supply there.

13           MR. RISTER: According to the charts  
14 you've shown on the mortality issue, you show a  
15 large amount for unknown, a large percentage for  
16 mammalian predation, alien predation and shell  
17 disease, but it appears a very small amount is  
18 shown to OHV use. Some are in the area of  
19 10 percent or less in the two pie charts that you  
20 showed. Also you don't show anything for cattle  
21 or drought or weather-related issue.

22           Isn't the majority of the mortality  
23 occurring because of either unknown predation or  
24 disease, and yet we're putting a lot of effort  
25 into restricting grazing and OHV, when in fact, we



1 would be much better off if we were addressing the  
2 disease and to control predators like the coyotes,  
3 the dogs and ravens? Wouldn't we get more  
4 recovery by eliminating those factors? If we are  
5 looking to get the biggest recovery, shouldn't we  
6 look at the big issues?

7 MS. BERRY: Okay. I used the pie charts  
8 to show analysis of shell skeletal remains, some  
9 of which have been on the ground for five years,  
10 six years. That is a very crude estimation,  
11 looking at what signs were on the remains.

12 After the shells have been out there for  
13 a while, it's not possible to determine if the  
14 tortoise had shell disease. It's not possible to  
15 say whether that animal was ill and therefore  
16 attacked successfully by a predator and whether it  
17 died because it was weak and ill and lying on the  
18 surface.

19 So the pie chart is one way of looking at  
20 data. To take tortoises that are ill is another  
21 way. We took 10 percent of the population because  
22 we had a very small sample. I could have taken  
23 more because there were a lot of ill tortoises out  
24 there.

25 By taking the ill tortoises, we have

1 another very precise way of looking at what was  
2 affecting those three animals, those three adult  
3 animals. So we have to take all the data that we  
4 have, not just use one set of information.

5 Now, in looking at sites like Goffs and  
6 Chemehuevi and Fremont and the protected area in  
7 the Desert Tortoise Natuary, we're just getting a  
8 small picture of what's going on.

9 If we had worked in the Lucerne Valley,  
10 the Stoddard Valley or on the Johnson Valley plot,  
11 we would have seen something else. We would have  
12 seen -- as we saw earlier, we might have seen some  
13 cattle-related deaths. We would definitely see  
14 OHV and shooting, because we've seen that every  
15 time we've been out.

16 So together collectively, your point is  
17 well taken that these are (inaudible) sites. But  
18 taken together with all the issues and they're  
19 spread across the desert, they give us some  
20 indication of what's going on.

21 Now, as a member of the recovery team,  
22 I'm a strong proponent and still am for landscape  
23 sampling of the desert. The distance sampling was  
24 tried. There are other methods tried but they  
25 failed.

1           The distance sampling was tried in  
2 California this year intensively. I don't know  
3 quite how much money was spent, but it could have  
4 been close to \$1 million. It was a lot of money.  
5 They didn't get enough live tortoises to meet the  
6 requirements to do the statistics.

7           The preliminary data that have come  
8 indicate that on average -- who asked that  
9 question about the mountain range? You did? All  
10 the data showed between seven to nine tortoises  
11 per square kilometer.

12           These are the larger tortoises. These  
13 are not juveniles or any tortoises under about  
14 12 years of age. So those are the kinds of  
15 figures that I'm getting on the plots right now  
16 for the adult tortoises. So it was very  
17 interesting to me, and I just found this out  
18 yesterday, that the particulars of the plots are  
19 in range.

20           The issue with the distance sampling is  
21 they don't have a total number. They don't tell  
22 you which ones are females and males because they  
23 don't record that. They don't record who is sick  
24 and who isn't and how many shells are being seen.  
25 They only get one component of a population

1 attribute, and that is density of the larger  
2 tortoises.

3           So the recovery team recommended that we  
4 needed both kinds of information. We need  
5 landscape sampling and we need the detailed  
6 sampling.

7           MR. RISTER: On some of the shells that  
8 you showed that were crushed, isn't it your  
9 experience that in some cases where the tortoises  
10 had died and the shells were exposed that a mule  
11 deer would come up and crush the shell sometimes?

12           MS. BERRY: That's not my experience. I  
13 haven't seen it.

14           MR. RISTER: I've seen it. Also have you  
15 seen where the rodent population sometimes go  
16 after the shells?

17           MS. BERRY: Oh, yes. You can tell a  
18 rodent tooth mark from a coyote or kit fox tooth  
19 mark.

20           MR. RISTER: And again, nothing is being  
21 done on the predator issues?

22           MS. BERRY: It has certainly been raised  
23 on the ravens and it has been raised on the dogs.

24           MR. RISTER: But not the kit fox or  
25 coyotes or in some cases where we've seen

1 badgers?

2 MS. BERRY: That's right.

3 MR. RISTER: One other thing. On the

4 toxin samples that you've taken, have you tried to

5 correlate them to ensure that the radio tracking

6 devices or the markings that you're putting on the

7 tortoises could be toxic or if not somewhat

8 contributing to that?

9 MS. BERRY: Actually, most of the

10 tortoises we have in the salvage program are not

11 tortoises with radio transmitters. We have a

12 protocol for putting on radio transmitters and the

13 antennas to make sure that the adherent, the

14 adhesive, does not cover the seams and that it

15 minimally touches points on the shell.

16 That's a good point. I'd have to say

17 that of all the animals that we have done analysis

18 of kidney, liver, scoots and bones, we may have

19 had one that had a radio transmitter on it.

20 MR. DENNER: I've got to interrupt here.

21 You know, we're still on this morning's agenda.

22 Paul has his hand up. I promised Ron he'd go

23 last. I'm sorry, Randy. It's a real important

24 issue.

25 After Paul and Ron have spoken, I will

1 leave it up to the council to decide whether they  
2 want to go further on this issue or not. It's not  
3 fair to the other items on the agenda for us to  
4 let this take the whole afternoon.

5 Paul, make it quick, please.

6 MR. SMITH: I think it's a privilege to  
7 have this one shot at Dr. Berry.

8 MS. BERRY: I hope you don't have a gun.

9 MR. SMITH: Have you noticed any  
10 statistical anomalies in the counting and census  
11 taking of the tortoises due to drought where they  
12 might be down in their burrows?

13 MS. BERRY: Yes. What happens is during  
14 drought, we still have a very good estimate of the  
15 larger tortoises, those over about 12, 15 years of  
16 age. We do pull the tortoises out of their cover  
17 sites. If we were waiting for them to be on the  
18 surface, we wouldn't be able to get a good count.

19 What happens is we have a wider  
20 confidence interval in those years that there is a  
21 drought. But the adult numbers stay pretty much  
22 the same. In the larger tortoise, the numbers  
23 stay pretty much the same.

24 We do have some field workers that are  
25 exceptionally good at locating small tortoises.

1 We have done very well with those. We do have  
2 baby tortoises that we've marked when they were a  
3 couple of years old that we're seeing now almost  
4 as adults. That's very exciting to be able to  
5 recapture animals that you marked in the 70s and  
6 80s.

7 MR. DENNER: Okay. Ron, you want to ask  
8 your questions quick.

9 MR. KEMPER: I'll try to make it as quick  
10 as possible. Dr. Berry, thank you for coming  
11 today. We all appreciate the work you've done in  
12 the last 30 years.

13 In that you've been collecting data and  
14 research for the last 30 years to identify  
15 problems and tracking problems, how much of that  
16 time has been spent on developing solutions or  
17 have we developed any solutions?

18 MS. BERRY: Well, I think Tim can attest  
19 to the pressure that I continually place on  
20 managers to work towards solutions starting from  
21 the 1970s, when in my 1978 paper, I identified  
22 cattle grazing and sheep grazing as one of the  
23 potential sources of impact and then sought more  
24 research data to determine if that was indeed the  
25 case.

1           We hired Robert Webb and Steve Stills  
2 (phonetic) to begin some work. So I have that  
3 kind of track record with a whole series of  
4 studies. They're not studies that I do. I can't  
5 do all these studies. I mainly focus on the  
6 demography. But I have graduate students that we  
7 have contracted out to universities and a large  
8 number of people.

9           In terms of management solutions I've  
10 worked on, especially when I worked for the Bureau  
11 of Land Management, I worked on the California  
12 Desert Plan, making recommendations for  
13 mitigations.

14           I provided input and comments on plans  
15 for areas of critical environmental concern as  
16 well as the Bureau of Land Management 1988 plan  
17 for management of the desert tortoise.

18           We identified a whole series of issues  
19 there. We worked with some members of the public  
20 as well as the Department of Fish and Game and  
21 Dr. Larry Foreman. Larry Foreman from the  
22 district was on that.

23           Now, starting in 1993, when I was part of  
24 the mass transfer of research scientists out of  
25 the Department of the Interior agencies with BLM,



1 Bureau of Mines, Fish and Wildlife Services and  
2 the National Park Service, we put it into the  
3 national biological survey, and then subsequently  
4 in the USGS, although I'm in the same office as  
5 the BLM and the same desk.

6 MR. DENNER: Dr. Berry, I think we need  
7 more concise responses.

8 MR. KEMPER: What I was asking you is are  
9 you actually involved in the solution process?

10 MS. BERRY: Making recommendations. I  
11 don't carry them out, but I make the  
12 recommendations.

13 MR. KEMPER: Okay. I'm going to talk a  
14 little about more rural areas not close to town  
15 where we don't have the problem necessarily with  
16 domestic dogs or feral animals that are becoming  
17 predators.

18 Are you aware that the graphs that you  
19 have shown us today pretty much coincide with the  
20 take becoming larger as to the time that we  
21 outlawed trapping in the state of the California?

22 MS. BERRY: Trapping of coyotes?

23 MR. KEMPER: Trapping of predators.  
24 Leg-hold traps.

25 MS. BERRY: No. I'm not aware of that.

1           MR. KEMPER: I would ask you to take it  
2 into consideration.

3           MS. BERRY: Certainly.

4           MR. KEMPER: Okay. The other thing that  
5 I'm sure you're aware of, and correct me if I'm  
6 mistaken, and I think people on the council will  
7 be interested to know as well as the audience that  
8 actually ravens are protected.

9           MS. BERRY: They're protected under the  
10 North American Treaty Act. They can be depredated  
11 if permits are obtained to do so, just as gulls  
12 and a lot of other pest type birds have been.  
13 They're also under the North American Migratory  
14 Treaty Act.

15          MR. KEMPER: The point that I'm trying to  
16 make is sometimes when you try to protect one  
17 species, we hurt another one.

18          The other thing that concerns me from a  
19 management standpoint, actually, there's two  
20 things. If we're dealing with a nonnative species  
21 of grasses and plants that are creating a problem  
22 in our desert for many, many years -- and I think  
23 we all realize that the desert heals very slow  
24 from fire -- if we don't have cattle grazing to  
25 take away the fuel, what would be your solution to

1 remove that fuel to keep fires from happening?

2 MS. BERRY: I think there's an assumption  
3 that may be erroneous that you have to take away  
4 that fuel by cattle and remove it and that it will  
5 reduce fires.

6 We have fires in areas where there aren't  
7 cattle. We have fires in off-road vehicle areas,  
8 the Stoddard open areas and the area around  
9 Victorville. We have major fires of thousand of  
10 acres in central Mojave.

11 What may be of importance is in places  
12 like the Desert Tortoise Natuary, we see that the  
13 undisturbed area now has a lower biomass of aliens  
14 than the disturbed area outside.

15 So the fenced enclosure, the interior of  
16 it has significantly lower biomass of aliens than  
17 the area outside. So we may be more effective at  
18 reducing aliens by cutting back on disturbance  
19 than taking some other actions.

20 Dr. Matt Brooks did some experiments to  
21 look at whether early season or spring burning  
22 could be used to reduce the fire load of the  
23 grasses. I don't think he found that there was  
24 still a significant impact to the shrubs with the  
25 spring burn.

1           MR. KEMPER: I think you did a pretty  
2 good job of answering all the question, but I  
3 think your answer was that you didn't really feel  
4 that the native species or that the nonnative  
5 species created much of a threat, and they don't  
6 need the cattle to eat them?

7           MS. BERRY: I think the nonnative species  
8 create a lot of threat. I have no convincing  
9 evidence that having cattle out there is going to  
10 reduce that threat and that it is going to improve  
11 the situation. Instead, maybe my indirect example  
12 that I gave, I think a lack of disturbance is the  
13 best way to heal the desert.

14          MR. KEMPER: So you disagree with the  
15 fact that the cattle eat the fuel and there's less  
16 to burn?

17          MS. BERRY: There may be less to burn  
18 that year.

19          MR. KEMPER: The other question I had  
20 here again from a holistic standpoint from a  
21 livestock production, if I have a diseased calf, I  
22 usually remove it from the herd. I may quarantine  
23 it. I may do other things.

24                Has any thought process been given to  
25 taking the diseased animals -- that obviously

1 through your example of putting a diseased animal  
2 in with the five or six healthy tortoises, within  
3 days seeing the effects on them, has there been  
4 any thought to the solution of removing or  
5 quarantining those diseased tortoises?

6 MS. BERRY: There have been numerous long  
7 discussions.

8 MR. KEMPER: Are we close to implementing  
9 anything like that?

10 MS. BERRY: No.

11 MR. KEMPER: Thank you.

12 MR. DENNER: Okay. We need to move on.

13 I think we need to move on. This is real  
14 important. Don't sit down yet, Dr. Berry. This  
15 is a really important subject. It's why we're  
16 allowing anybody to take this time, because the  
17 desert tortoise recovery plan is driving all the  
18 new plans we're facing today. I'm going to leave  
19 it up the council.

20 I have one quick question. In your  
21 original map where you showed the desert tortoise  
22 territory, it looked to me like 20 percent of it  
23 is in the U.S., and the other 80 percent runs down  
24 to Mexico; is that correct?

25 MS. BERRY: I'd say it's more like

1 50 percent because there's a significant portion  
2 there of the Sonoran in Arizona.

3 MR. DENNER: Is anything being done to  
4 study the Mexican population? I mean, could they  
5 all be migrating south?

6 MS. BERRY: They don't even look like  
7 desert tortoises. The tortoises that live in the  
8 foreign scrub and Sonoran Desert look very  
9 different. There's actually some in the  
10 subtropical forests.

11 The Mexican government has done some  
12 studies and sponsored some studies on tortoises,  
13 and they are quite concerned about the level of  
14 human predation and it's impact.

15 MR. DENNER: I'm going to ask the council  
16 to make this decision because I hated to interrupt  
17 Randy, I hated to interrupt Ron. I think the  
18 direction of those questions are very good and  
19 very important. It's going to be important to us  
20 as this council goes on to the new desert  
21 management plans.

22 But we have to realize what the situation  
23 is. We are still on a morning topic. Now, as  
24 long as everybody understands that, we have all  
25 these folks here, and many are here for other

1 reasons.

2           We have some guests here that are going  
3 to do presentations. We may want to go on with  
4 this and stay here until 8:00 tonight. I'm  
5 willing to do whatever the rest of the council  
6 thinks they want to do.

7           I guess I'm looking for a show of hands  
8 of whether I should cut this off right now or  
9 whether the council in general or a majority  
10 thinks that this is an important enough issue to  
11 let the other issues suffer whatever the  
12 consequences might be and continue the discussion  
13 about the desert tortoise problem.

14           Let me ask for a show of hands of people  
15 who would like to continue this discussion  
16 understanding the impact on the other topics on  
17 the agenda. All those in favor of continuing the  
18 discussion of desert tortoises, raise your hand.

19           MS. WARREN: We all need to raise our  
20 hands. This is important to our issues. This  
21 involves all of us here. It's why we're here. It  
22 involves all the other issues we're going to be  
23 discussing.

24           MR. DENNER: This is more important as  
25 the Imperial Sand Dunes issue?

1           MS. WARREN: As important as the Imperial  
2 Sand Dunes issue. Part of it wouldn't be here if  
3 it wasn't for the desert tortoise.

4           MR. KEMPER: Excuse me. We've never in  
5 the past allowed the audience to vote.

6           MR. DENNER: I don't think I'm taking  
7 into account the vote of the audience. I do think  
8 the council needs to take into account the opinion  
9 of the audience.

10          MR. KEMPER: It might be quicker to poll  
11 the council to see if anybody else has something  
12 to say.

13          MR. DENNER: Anybody else have anything  
14 more to say?

15          MR. MC QUISTON: Unless we are willing to  
16 continue some items. Wally, I think I heard you  
17 say you had to leave around 5:00. I can stay  
18 longer. But if there are things that we need to  
19 make decisions on, I would suggest we move on with  
20 the agenda. If there's interest in pursuing this,  
21 we can come back and talk about it.

22          We can have a lot of discussion. I've  
23 learned a lot. But quite frankly, we're not going  
24 to resolve the disputes or the discussion on this  
25 issue today, and I think we need to press on with



1 them.

2 MR. DENNER: Okay. I do feel obligated.

3 I have one speaker from the audience that has  
4 asked to speak on the subject. I'm sorry, but I  
5 feel obligated to hear what Vicki has to say. She  
6 is the only one who turned in a slip to speak on  
7 this topic. I'm going to have to give you a few  
8 minutes.

9 MS. WARREN: And I will keep it brief.

10 You have to understand that our issue is the user  
11 issue. Nobody here wants more to hear from them  
12 than with do. My questions are specific, and most  
13 of the them are yes and no.

14 I need you to define the term "heavy  
15 use." When you mentioned heavy use of vehicles, I  
16 need that defined. What is heavy use to you? Ten  
17 in a day? Six in a day? In the number of years  
18 that you've been out there, what would heavy use  
19 be?

20 MS. BERRY: Are you referring to --

21 MS. WARREN: Your terminology was heavy  
22 use of vehicles.

23 MS. BERRY: On highways and roads?

24 MS. WARREN: On whatever you said. You  
25 said there was heavy use that was causing death to

1 the tortoises. I wasn't sure what you were  
2 talking about, if you were talking about washes,  
3 roads, highway.

4 Do you have a definition? If not, we can  
5 move on.

6 MS. BERRY: With regard to the highways,  
7 light use would be 70 cars per day.

8 MS. WARREN: Seventy cars per day?

9 MS. BERRY: Yes.

10 MS. WARREN: Okay. So then heavy use  
11 would be?

12 MS. BERRY: Seven hundred cars per day.

13 MS. WARREN: So you're saying that --  
14 when you were saying earlier that you had heavy  
15 use, what you felt was heavy use, and you  
16 mentioned the immigrants and having to pull over,  
17 are you saying to me there were 700 cars?

18 MS. BERRY: Okay. You're getting  
19 specific. I thought you were talking about  
20 highways.

21 MS. WARREN: No.

22 MS. BERRY: You're now talking about the  
23 Chuckawalla Bench --

24 MS. WARREN: Yes.

25 MS. BERRY: -- and the Bradshaw Trail.

1 MS. WARREN: Yes.

2 MR. DENNER: I'm going to have to

3 interrupt. I've not had a situation in the past

4 that I know of where the member of the audience

5 has a dialogue one-on-one with a presenter.

6 MS. WARREN: You're right.

7 MR. DENNER: If you can make simply

8 yes-or-no questions or if you want to speak your

9 questions out to the people that are here today so

10 that we know what your concerns are and then

11 submit them in writing, we will try to get

12 Dr. Berry to respond, and we'll do a presentation

13 at the next meeting.

14 MS. WARREN: I would be happy to, as long

15 as she's coming back. The only reason I persist

16 is because this does pertain to all the other

17 issues that are coming up. That's all the

18 reason. I did not want to have a one-on-one. I

19 need everyone to hear her responses.

20 What would you prefer?

21 MR. DENNER: I think what I prefer would

22 be for you to read your list of questions to us,

23 Vicki. They will then be recorded in our minutes

24 word-for-word by our court reporter.

25 MS. WARREN: Okay.

1           MR. DENNER: So you will be on the record  
2 with your questions. I personally will see to it  
3 that we get answers to them if it's within my  
4 means, and we'll send them out to the off-road  
5 community.

6           MS. WARREN: Okay. Where you say that  
7 95 live underground, I need to know if this is all  
8 year or if this is seasonal.

9           Fremont Valley. I need you to break down  
10 those figures again. I think we were all confused  
11 on the pie charts. Is that 10 percent,  
12 34 percent, 20 percent? Of 100 percent of the  
13 these tortoises, what percentage is killing what  
14 is what I need to know.

15           What is the status of the tortoises in  
16 the wilderness areas, those areas that haven't  
17 sign any off-road vehicle, motorized vehicle or  
18 even foot traffic for so long?

19           You said that you were pulling them from  
20 burrows to do some of your research. I can't  
21 believe that that has no effect. The ones that  
22 are burrowing in the washes, what happens in a  
23 heavy rain? Do they float down the washes? Do  
24 they drown in the holes? What percentage die from  
25 natural causes of nature itself, God's own rain

1 and wind?

2           What percentage are killed on the  
3 highways? The NEMO/NECO plans specifically had  
4 \$10 million going out for a tortoise fence to keep  
5 the tortoises off the highways. What percentage  
6 of the tortoises are being killed by the vehicles  
7 on the highways?

8           Let me see. It sounds to me like we can  
9 assume then that the cattle did not affect these  
10 tortoises in your studies since it's not anywhere  
11 on the chart.

12           The last thing I want to know, we  
13 discussed alien plant species many times. I want  
14 to know if you're suggesting reducing alien plant  
15 species in order to help these tortoises? If so,  
16 we have an alien plant species that's listed as  
17 endangered and has closed us off. So when you're  
18 done cleaning these ones out, you can come on out  
19 and take care of these for us.

20           MR. DENNER: Okay. We're going to make a  
21 substitution of the schedules and turn two  
22 presentations around.

23           We're next going to have Roxie do her  
24 presentation on the Imperial Sand Dunes new  
25 management plan. Then we'll go ahead and do the

1 Coachella Valley discussion. And then Fort Irwin  
2 will follow that. So basically we're switching  
3 Fort Irwin with the Imperial Sand Dunes.

4           While Roxie is setting up there, I just  
5 want to make a comment to the OHV people that  
6 before you jump up and run as soon as Roxie is  
7 finished, you might be interested in this  
8 Fort Irwin expansion.

9           You might be sitting there thinking that  
10 that's between the army and the environmentalists,  
11 but I want to tell you, I've read the report from  
12 the study committee. One of the considerations --  
13 if this Fort Irwin expansion takes place, one of  
14 the considerations is called translocation of the  
15 tortoises that are in the Fort Irwin area.

16           And it should come as no surprise that  
17 two of the areas that are under consideration for  
18 moving the turtles to are the Stoddard Valley open  
19 area and the Johnson Valley open area. So you may  
20 just be interest in what they have to say.

21           Roxie, I apologize for this confusion.  
22 I've just been informed that the guest who is here  
23 as part of the Coachella Valley presentation has  
24 to leave at 3:30, which should have been plenty of  
25 time for him to get his presentation over.

1           We're homing in on 3:30 real fast. I'm  
2 going to have to make you second in line again.  
3 He's going to have to do the Coachella Valley  
4 presentation. I apologize for any of you who are  
5 here for the Sand Dunes issue. So we'll go ahead  
6 with the Coachella Valley presentation.

7           MR. SULLIVAN: If she can do it within a  
8 half hour like you have on the schedule, that's  
9 fine with me. I've got to be out of here by 4:00.

10          MR. DENNER: Okay. So if she can be done  
11 in a half an hour, you can do yours in half an  
12 hour?

13          MR. SULLIVAN: Yes.

14          MR. DENNER: Okay. Let's go. This being  
15 chairman is fun. Everything is so concise and to  
16 the point. It's nice that we have a BLM agenda  
17 before we even get here so I know exactly where I  
18 have to go.

19          Roxie, do you think you can do it in a  
20 half hour?

21          MS. TROST: I'll try.

22          MR. DENNER: Well, let's go a half hour.  
23 If you're not done, we'll let him do his, and we  
24 can come back and finish it. But maybe you can  
25 cover most of it in a half hour.

1           I have another point of information while  
2 Roxie is getting ready. This is for the council  
3 members. Can I have your attention just a  
4 second? This morning Vince Brunasso from the  
5 American Sand Association passed out reports on  
6 the Peirson's milk vetch plant, and somebody asked  
7 him for copies of maps.

8           I understand these maps are like four  
9 foot by four foot and very complicated. If  
10 anybody really needs a map, please see Vince after  
11 the meeting or go to the ASA website and leave him  
12 a message that you want to have a copy of the  
13 maps.

14           He can either send you the maps or he can  
15 send you the database for the counts that were  
16 done for the Peirson's milk vetch plant.

17           MS. TROST: We're ready to go. Thanks  
18 for your patience. What I wanted to share with  
19 everyone today first of all is a brief overview of  
20 the Imperial Sand Dunes.

21           We're going to talk a little bit about  
22 the history. That's the most recent history --  
23 forgive the screen, please -- the most recent  
24 history dating back to our previous scoping  
25 meetings in January and February of 2000, where



1 we're at today, what our theme is and where we  
2 plan to go with this management plan.

3           It looks like we're still having some  
4 technical difficulties here. There we go. Okay.  
5 I hope you all have eye protection.

6           Right here, this is the area known as the  
7 north Algodones Dunes. This is the north  
8 Algodones Dunes wilderness area. Traversing in  
9 here is Highway 78. This area right along here is  
10 Gecko Road, one of the more highly used areas of  
11 the Imperial Sand Dunes.

12           We have about in this area the 2,000 acre  
13 closure. So we progress down a little bit  
14 further, the larger central closure is in this  
15 area. Towards the south, this is Highway 78.  
16 Excuse me. Interstate 8.

17           This is the Buttercup area, Gordon's  
18 Well, dune buggy flats, and we have a 160-acre  
19 closure on the south side of Interstate 8. And  
20 just north of the Algodones Dunes wilderness,  
21 there's one additional closure in this area.

22           This area is called (inaudible) Hill.  
23 You can see here how the people line up in rows  
24 along the bottom. And then you can see scattered  
25 throughout are people out hill climbing.

1           This is a close-up view of that same  
2 slide. You can see this is pre checkered flag  
3 days the ASA support of the BLM rangers. There  
4 aren't any out there. But if you go out there  
5 today, you'll see lots of checkered flags.

6           In January and in February of 2000, we  
7 held seven public scoping meetings for the update  
8 of the management plan. During those seven public  
9 scoping meetings, we had over 600 people in  
10 attendance.

11           We had them both in Yuma, Long Beach. We  
12 had one at the Cahuilla (phonetic) ranger station,  
13 Phoenix, San Diego, Brawly and in El Centro.

14           After we held the meetings, we developed  
15 what we called at that time the ramp working group  
16 and later called them the collaborative working  
17 group.

18           It was a working group made up of a  
19 representative from Imperial County. That  
20 representative was from this DAC, Randy Rister. A  
21 representative from the environmental community.  
22 That representative was a past member of the  
23 Desert Advisory Council, Nick Irvin.

24           A member of the OHV community who is a  
25 member of our imperial sand dunes technical review

1 team, Justin Cole. And the BLM representative  
2 which was myself.

3 That group also met frequently with the  
4 BLM in a disciplinary core team. That core team  
5 was made up of a recreation specialist, a law  
6 enforcement officer, natural resource specialist,  
7 botanist, wildlife biologist and an archeologist.

8 Our task was to take from those public  
9 scoping meetings not just the meetings but the  
10 entire scoping period including internal comments  
11 and comments from other agencies and identify the  
12 list of the issues.

13 From that list, and I've only highlighted  
14 in red the one thing that I'm just going to share  
15 with you briefly. These are not in any type of  
16 priority order.

17 The first issue on the screen is how will  
18 BLM conserve the unique natural resources of the  
19 Imperial Sand Dunes as well as protect federal and  
20 state listed species under the Endangered Species  
21 Act in an area managed for off-highway vehicle  
22 use?

23 How much facilities development and  
24 access is appropriate for the Imperial Sand Dunes  
25 recreation area?

1           How will education, law enforcement and  
2 other techniques be used to ensure compliance at  
3 the Imperial Sand Dunes?

4           What is considered to be the carrying  
5 capacity at the Imperial Sand Dunes? Is it being  
6 exceeded? If so, what action should be taken?

7           How much motorized trespass is occurring  
8 in the north Algodones Dunes wilderness?

9           What impacts are occurring and can't be  
10 eliminated?

11           Next we went through the issues, and we  
12 developed certain criteria that would determine  
13 whether or not an issue would be carried through  
14 the planning process, because we had a whole gamut  
15 of issues identified by the public.

16           One of those criteria was it was required  
17 by law and within the jurisdiction of the BLM. It  
18 was a land management or administrative concern.  
19 It was resolvable during the planning process, and  
20 resolution would result in a significant long-term  
21 effect. And one of the most key was that it was  
22 actually related to activities in the Imperial  
23 Sand Dunes.

24           Now this is where we're at today. On  
25 November 3rd, we had a negotiated settlement

1 agreement signed which provided for interim  
2 protection of threatened species -- I think I  
3 heard Vicki state "endangered," but Peirson's milk  
4 vetch is threatened -- which temporarily closed an  
5 additional 49,000 acres to motorized use in five  
6 separate locations, not one contiguous enclosure.

7           And the closures were to remain in effect  
8 until the consultation is complete on the entire  
9 plan. This is where we're at also today. You can  
10 see by the date here at the bottom, the settlement  
11 agreement was signed on November 3rd. By  
12 November 4th, we were in the field looking at  
13 locations for where some of the signage would  
14 occur.

15           I'll try to explain to you some of these  
16 people. This is the former El Centro botanist  
17 Debbie Sebasta (phonetic). This is Fred Stroll  
18 (phonetic), Greg Tompson, El Centro field  
19 manager. This is Justin Cole. And you may  
20 recognize this as Vince Brunasso.

21           The reason I share this one is because it  
22 was quite a passionate subject among both  
23 environmental groups and members of the off-road  
24 community. This is about a \$17,000 dune buggy.  
25 The creativity was remarkable. I have seen some

1 things not quite as creative as this, some  
2 T-shirts and a number of other fliers as well.

3           Our theme in January and February of 2000  
4 remains the same as it does today, that our goal  
5 for this management plan is to provide the  
6 long-term management of the Imperial Sand Dunes  
7 based on the best scientific data available. It  
8 will be a public process as well as a  
9 collaborative effort.

10           Now, where are we going from here? We  
11 hired a consulting firm known as CH2M Hill. When  
12 we interviewed the different contractors, we felt  
13 that they provided the most diverse team of  
14 specialists.

15           But we've also added to that team. We  
16 added a PhD recreation professor. The hopes in  
17 that was to be able to capture not only the  
18 biological, which is a little bit easier to  
19 measure, but to be able to capture some of the  
20 social values attributed to recreation.

21           We increased the plant expertise. We saw  
22 Fred Stroll in the previous slide. He's been  
23 added to the CH2M Hill team. He'll be providing  
24 much of the thought input for this plan.

25           We've also increased the cultural

1 resource input. Past surveys said we had  
2 approximately a one percent sampling data, and we  
3 needed to provide better information in order to  
4 go forward with this management plan.

5           Next is we have a real aggressive  
6 schedule. What's key to this schedule and  
7 probably of most interest to all of you is we  
8 expect, and I can't even say the word "expect,"  
9 but we will have a draft management plan ready for  
10 public review by February of 2002.

11           Now, things changed since we had those  
12 original scoping meetings back in January and  
13 February of 2000. So the determination was made  
14 that we needed to inform the public to log in  
15 those issues and to see if any new issues had come  
16 up since we had the original ones.

17           We had our first public scoping meeting  
18 this past Thursday in El Centro. We'll have one  
19 next Tuesday in San Diego. And then that  
20 following Thursday, we're going to be in Phoenix.

21           It was our hope that we could make it to  
22 all the locations that we had during our previous  
23 scoping meetings, but the time in this schedule  
24 just didn't allow for that.

25           However, I'm going to be at the sand

1 show. I'll be handing out information, allowing  
2 people to comment either there in writing or to  
3 mail the forms in. Anybody here, if my schedule  
4 allows it, I'd be happy to come and talk and  
5 present to your group or organization.

6           The objectives of these additional  
7 scoping meetings was, like I said, to ensure that  
8 the issues identified during January and February  
9 are still valid and to capture any new issues.

10           Some things that came out of El Centro,  
11 and it was pretty loud and clear, were the  
12 addition of the social and economic issues, the  
13 recreation mitigation issues, the loss of  
14 family-based value from recreation. That was real  
15 clear to us.

16           Just as we had done during our previous  
17 meetings, the issues that you saw listed, we sent  
18 those all out to everyone that attended the public  
19 scoping meetings, and our mailing list at this  
20 time is well over 1,500, and asked for comments  
21 back on those issues. We'll do the same after  
22 this. So once we've gone through this series of  
23 scoping meetings, you'll see in your mailboxes  
24 what came out of that.

25           This one actually is for Roy. He



1 wondered what we did before we had the law  
2 enforcement dune buggies.

3 MR. DENNER: Where can I get one for  
4 Nancy?

5 MS. TROST: That's really all I have.  
6 Thanks.

7 MR. DENNER: Well, that was quick. Any  
8 questions from the council?

9 MR. LEIMGRUBER: Yes, Mr. Chairman. The  
10 Algodones Dunes extend into Mexico approximately  
11 five miles. I'd like to know has there been any  
12 count of parts of milk vetch determination in that  
13 area? Is that area used or what type of  
14 activities are conducted there?

15 MS. TROST: Wally, from my understanding  
16 from working with Thomas Olson & Associates, the  
17 consulting firm hired by ASA, they plan to look  
18 further into that possibility. BLM does not  
19 conduct monitoring into Mexico.

20 MR. LEIMGRUBER: Okay. But we do know  
21 that Peirson's milk vetch is in that region?

22 MS. TROST: Right.

23 MR. LEIMGRUBER: The question always  
24 comes up does off-road activity enhance or have  
25 impact upon this species of plant, and the studies

1 are coming in. And there seems to be some good  
2 reports that off-road activities actually does  
3 enhance the abilities of these plants.

4 Is the BLM looking at the recent data  
5 that has been brought forth?

6 MS. TROST: We're going to use, like I  
7 tried to emphasize, the best data that we have  
8 available to us. That includes the monitoring  
9 from 1998 through 2001 and also any other  
10 reports. Thomas Olson, ASA, they've sent me their  
11 reports. I have a pile of them on my desk. Every  
12 week I get the same report. So yes, we intend to  
13 look at all of the reports.

14 MR. LEIMGRUBER: Okay. That's all I  
15 have, Mr. Chairman.

16 MR. DENNER: Okay. Any comments?

17 MR. RISTER: I have a couple of  
18 comments. I just want to state that I do  
19 appreciate the El Centro field office working so  
20 diligently with the various groups on trying to  
21 develop (inaudible) through the court system.

22 My own feeling is that the information  
23 that was being developed on the Peirson's milk  
24 vetch and the other plant species was going to  
25 prove to be detrimental to the cause.

1           And I think that's probably why the  
2 lawsuit progressed before these studies came out  
3 so that that information would be kept -- a lid  
4 would be kept on it. And it couldn't be used in  
5 the trial because some of the results were still  
6 being written up and the conclusions hadn't been  
7 drawn yet.

8           But I would like to make a few  
9 statements. When the north Algodones Dunes was a  
10 wilderness study area, it was closed for vehicular  
11 access for a number of years before it became a  
12 part of the desert protection act.

13           There were other assurances given that  
14 the plants -- Wiggins' croton, the Peirson's milk  
15 vetch, the sunflower, Spanish needles, all these  
16 various species -- had adequate area in the  
17 36,000 acres of the north Algodones Dunes to be  
18 protected.

19           Certainly there was some erroneous  
20 studies and information that the BLM is aware of  
21 on what Dr. Andrews did on the Andrews Beetle. I  
22 don't want to get back to that.

23           But nevertheless, what we have seen in  
24 the Imperial County that affects our economy is  
25 the constant picking away of the recreational

1 dollars by closing OHV areas. The OHV community  
2 backed off when Yuma basin closed for the  
3 flat-tail horn lizard because they thought it  
4 would protect and help the recovery of the  
5 flat-tail horn lizard.

6           The same thing happened in west Mesa,  
7 east Mesa, part of the area of Superstition Hills.  
8 Later I think 13 wilderness areas and ACECs were  
9 closed to OHV access in and around our area. Fish  
10 Creek, Picacho, Indian Pass, Mecca Hills,  
11 Chuckawalla, Little Chuck. You know, it just  
12 keeps going on and on.

13           When Feinstein and Duncan Hunter agreed  
14 to the compromised legislation in the committee on  
15 the desert protection act, assurances were given  
16 that the plants be left alone because it was the  
17 last remain area for OHV use left in Imperial  
18 County affecting our economy, San Diego, L.A.,  
19 Phoenix, all those areas.

20           I think that many of these assurances  
21 were taken at face value by the OHV community and  
22 certainly by the county representatives. Shame on  
23 us. Nevertheless, we keep seeing this constant  
24 picking away.

25           While we were conducting the study and

1 the redevelopment of the (inaudible), these  
2 environmental organizations knowingly -- even  
3 though some of them were coming to the table,  
4 knowingly behind the scenes they were also going  
5 to the courts.

6           What we saw was five additional  
7 closures. We're seeing additional closures from  
8 the flat-tail horn lizard now in the Gordon Mesa.  
9 Most recently we've seen that there's proposed  
10 temporary closure of camping between the railroad  
11 track and (inaudible) Road.

12           Now, this is 25,000 acres, I believe it  
13 is. Only 500 acres of that, according to the  
14 environmental assessment, is in tortoise habitat.  
15 That occurs north of Highway 78 in an area where  
16 there's old gravel pits, old mining activities  
17 where the tortoises are gone.

18           And the E.A. even says that this  
19 temporary closure probably will not cause a  
20 recovery of the tortoise. Around (inaudible) the  
21 temporary closure, it says, probably will not  
22 cause a recovery to the tortoise.

23           So the area has historically been used  
24 for camping. The area has been impacted by the  
25 railroad going in 1869 and by numerous roads and

1 by numerous mines by numerous gravel pits.

2           It's designated as a limited access,  
3 which probably is a wrong designation. I don't  
4 know why we don't look at it. I mean, let's  
5 change the designation and not have to pull the  
6 campers. I mean, where are these campers going to  
7 go? If these people are displaced, are they not  
8 going to possibly impact more sensitive areas?

9           Are we not going to push them into areas  
10 that maybe need protection where this area has  
11 been so heavily used and so impacted over the last  
12 140 years since the railroad went. That maybe is  
13 the best place to keep camping and allowing that  
14 to continue. At the same time, how many of us  
15 have ever seen a temporary closure anywhere that  
16 has ever been reopened?

17           I don't know that the NECO plan, when  
18 it's adopted, is going to resolve reopening this  
19 or any other type of area. And the  
20 consultation -- according to what I read, the  
21 consultation of Fish and Wildlife just isn't on  
22 the NECO. It's still on the entire California  
23 Desert conservation area which may not be resolved  
24 when NECO is adopted. So that temporary closure  
25 may be something more long-term.

1           What I'm concerned about is BLM staff as  
2 well as public input, we literally, you know,  
3 hundreds and hundreds of hours, you know, hundreds  
4 of thousands of dollars, time on the grounds, time  
5 in the courts, hiring contractors, doing research,  
6 and it doesn't seem that this information is being  
7 considered in these closures. It's not being  
8 considered in the lawsuits. And I'm not sure it's  
9 going to really receive that much consideration in  
10 the NECO plan.

11           But certainly with all these other areas  
12 being closed because of their sensitivity -- the  
13 wilderness, the ACECs, the military reservations,  
14 Superstition Hills -- there isn't much left for  
15 the OHV community.

16           At the least impact in Imperial County  
17 remains (inaudible), then we need to do something  
18 to change using the BLM administrative guidelines  
19 to change its designation to make this camping an  
20 intensive use area. And if it's the first time,  
21 maybe (inaudible) should become the first federal  
22 OHV riding area the state has.

23           The state has been successful in  
24 establishing OHV riding access. One example is  
25 the Ocotillo Wells Recreation Area. We have the

1 flat-tail horn lizard out there, and we are  
2 addressing those problem while we're still  
3 maintaining an OHV area.

4 I think that possibly that same scenario,  
5 those same guidelines, those same principles that  
6 are being used out there possibly could be used by  
7 the BLM. We need one of these places left.

8 With the OHV community backing off on so  
9 much, I just don't see the problem of keeping one  
10 place left. If these studies showed that the  
11 north Algodones Dunes is an adequate area to  
12 protect these species, then what's wrong with  
13 having one area? There are going to be problems.  
14 You have the law enforcement. You have Health and  
15 Safety.

16 These issues are being addressed  
17 (inaudible) to create more camping pads, more rest  
18 rooms, more trash collecting. All that can be  
19 addressed with a demonstration program or the OHV  
20 stickers.

21 So if this is the area where the least  
22 impact is occurring, let's put some emphasis on  
23 that and try to keep that available so that these  
24 other areas where their sensitive values can't be  
25 protected and we don't have illegal encroachment



1 or any degradation to what we need to protect, but  
2 keep one area open for the public.

3 MR. DENNER: Thank you, Randy. That's  
4 exactly what I was going to say.

5 Ron?

6 MR. KEMPER: Was that a motion?

7 MR. DENNER: Any other comments? Bob?

8 MR. ELLIS: Yeah. I'm curious about the  
9 relationship of the RMP and the management plan  
10 with the Fish and Wildlife Service and whatever  
11 hoops that they seem to want people to jump  
12 through in terms of critical habitat and the  
13 recovery plan on these threatened species.

14 So what I don't want to see is what no  
15 one else wants to see which is a lot of work going  
16 into something and then Fish and Wildlife doesn't  
17 buy into it because maybe there's not enough  
18 research and information.

19 So can you tell us how Fish and  
20 Wildlife -- you know, whatever their  
21 responsibility for the recovery of that species  
22 is, how does that dovetail into this plan and your  
23 time line?

24 MS. TROST: The Fish and Wildlife Service  
25 has been included and coordinated with from the

1 beginning of this management plan. So they're a  
2 part of the process. We had identified some of  
3 the things that we thought could hold up our time  
4 line.

5 I told you that we have to have a public  
6 draft by February. Not only that, but we have to  
7 have -- we're shooting for a decision by October  
8 of 2002. It's a fairly tight time frame.

9 Those identified as one of the things out  
10 of our control. That's being worked through from  
11 both the district office and from the state office  
12 with upper level U.S. Fish and Wildlife Service  
13 people. So they're involved in the process. My  
14 understanding is that they are also committed to  
15 helping us to meet this time line by issuing the  
16 biological opinion.

17 MR. ELLIS: Do they have to do a recovery  
18 plan and do critical habitat or are those steps  
19 that aren't needed?

20 MS. TROST: What we need in order to go  
21 forward with this plan is to issue the biological  
22 opinion as to what the preferred alternative  
23 effects will have on the listed species.

24 MR. ELLIS: So the plan would be  
25 independent -- I mean the management plan is

1 independent of a recovery plan that they may have  
2 to do otherwise?

3 MS. TROST: Right. And they'll cover  
4 that in their biological opinion.

5 MR. DENNER: Mr. Salt has a comment on  
6 the discussion so far.

7 MR. SALT: I just want to go back to  
8 Randy's comments for a second and remind everybody  
9 that we are at the early stages of the planning  
10 process. I think that the things you've  
11 identified, they are consistent with the  
12 objectives that Roxie laid out for the development  
13 plan.

14 So the proof is in the pudding when we  
15 get to the end of the process to see whether we  
16 accomplish that. I think that looking at the  
17 objectives of the activity plan, that's where  
18 we're headed.

19 MR. DENNER: Anyone else on the council?

20 MR. RISTER: I just want to add to what  
21 Tim said. I agree with you barring another end  
22 run through the court system by some  
23 environmentalist.

24 MR. ELLIS: Well, that's why I want to  
25 find out, you know, what those possibilities are

1 with respect to Fish and Wildlife because we don't  
2 know that.

3 MR. DENNER: Anyone else? Okay. I have  
4 a question for Roxie. Oh. That's right. Lest  
5 anyone believe that this issue is all about the  
6 Peirson's milk vetch plant, Roxie, can you tell us  
7 about the other plant species and insect species  
8 that are being attempted to be listed that  
9 supposedly only exist in our Imperial Sand Dunes?

10 MS. TROST: As we're speaking, CH2M Hills  
11 biologists, they're preparing a list of all  
12 sensitive species out there. That list is going  
13 forward to Fish and Wildlife Service.

14 Our plan through this management plan is  
15 to address not only Peirson's milk vetch, but all  
16 the sensitive plant species in the sand dunes and  
17 anything else that we project may come forward in  
18 a 20-year life span of this management plan,  
19 including the flat-tail horn lizard.

20 A biological analysis is being completed  
21 for that as well just at the projection that it  
22 may become listed.

23 MR. DENNER: Okay. Thank you. Randy  
24 referred to that question about the species being  
25 listed. I want to make sure that the OHV

1 community doesn't go away thinking that if they  
2 win this Peirson's milk vetch battle that it's all  
3 over.

4 MR. RISTER: That's correct.  
5 Randy Rister again. I think it should be noted  
6 that on the other species, you know, the desert  
7 (inaudible), it's a parasite that only comes up  
8 when it can find a host to feed off of.

9 Many of these the plants, including  
10 Peirson's milk vetch, the plants that are being  
11 counted today are not the plants that were out  
12 there three or four years ago because everyone  
13 knows the dunes are moving six inches or so from  
14 the west to the east every year covering those  
15 plants.

16 It lives on the front edge of the moving  
17 dunes, and it takes disturbance in order to  
18 propagate. Many of these other plants also have  
19 adapted to the moving dunes. If you don't believe  
20 those dunes move, just look at what Caltrans  
21 does. They keep a dozer out there on hand all the  
22 time to keep six to ten inches of sand off that  
23 road every time the wind comes, which is 10 or  
24 12 times a year.

25 So these dunes are in a constant flux of

1 motion. They are constantly covering up all the  
2 plant life, all the vegetation. And that plant  
3 has to stay out in front of those dunes.

4           The OHV community knows that if they run  
5 over the Spanish needles, they're going to  
6 puncture their tires. If they run over many of  
7 these plants, they're going to damage their  
8 vehicles. They tend to say away from that.

9           I think that these plants will propagate  
10 based upon whether it's a drought or whether it's  
11 a rainy cycle. I think that is seen this year.  
12 Last year was a good year for OHV use, and yet  
13 some of the best locations of the Peirson's milk  
14 vetch are in the area that people rode last year.  
15 When the rains came, the plants came back.

16           So again, these studies need to take into  
17 consideration long-term weather patterns and I  
18 think just quit looking at, "Well, there's  
19 pressure on out there to stop the OHV community  
20 and shut them down to restrict them even further.  
21 So we're going to use the Endangered Species Act  
22 as a club to continue to beat them over the head."

23           If we continue to see the Endangered  
24 Species Act abused this way, eventually we're not  
25 going to have an Endangered Species Act. And I'm

1 not sure the good that we've been able to  
2 accomplish using that act is going to go down the  
3 tubes also.

4           Again, I think we ought to start using  
5 the common sense approach on how we address these  
6 studies and how we impact all the multiusers. The  
7 BLM's chart is a multiuse concept.

8           If a mine goes in or if there is a  
9 sensitive plant or if something gets listed  
10 endangered, it's always designated critical  
11 habitat in our recovery plan and mitigation,  
12 whether that's one acre for one acre or one acre  
13 for three acres.

14           Yet for the OHV community, we have never  
15 ever seen any mitigation set aside that said,  
16 "Okay. We're going to close 10,000 acres here.  
17 We're going to open 10,000 acres here." It's  
18 never been done. So where is the multiuse concept  
19 in dealing with the OHV community?

20           MR. DENNER: Okay. Once again, Randy,  
21 thank you. You're stealing a lot of the words  
22 that I've been preaching for a long time. I'm  
23 switching my hat here.

24           We've got a few minutes. I'm going to  
25 cut this off at 3:30 and get the Coachella Valley

1 presentation. I have a handful of speaker cards  
2 here that do not have a topic listed. I don't  
3 know whether they're for this topic or not.

4 So what I'm going to do is leaf through  
5 those one at a time. If it is this topic you want  
6 to speak on, please step forward when I say your  
7 name. If not, I'll keep your card until the  
8 general discussion which follows again sometime  
9 after midnight.

10 Vicki, did you want to address this one?

11 MS. WARREN: I do. I have specific  
12 questions. Should I save them as we did on the  
13 other? Should I address them now to Roxie  
14 specifically? It's up to you. I'd be happy to  
15 submit them.

16 MR. DENNER: If they are simple questions  
17 that could have a yes-or-no answer, I don't see  
18 any problem with Roxie answering them. I just  
19 don't think it's proper to get into a debate with  
20 a presenter, you know, over their position versus  
21 your position. If they are simple questions that  
22 you need definition of or further clarifications  
23 on, go ahead. I don't see a problem with that.

24 MS. WARREN: Vicki, the Notice of Intent  
25 for this management plan even says that it may be



1 necessary to add additional scoping meetings.  
2 I've e-mailed Greg Tompson. I know you received  
3 others. I've seen copies of them. We absolutely  
4 need to have a meeting about this.

5 In Orange County, a huge contingency.  
6 Los Angeles County, San Bernardino, Riverside.  
7 I'll take two of those four. Two of those four  
8 would make me very happy. We've got to get  
9 additional meetings scheduled.

10 MS. TROST: What I said earlier, Vicki,  
11 is I'll be happy to come and talk with you  
12 personally to help clarify. The objective of this  
13 particular scoping meeting is to get a handle on  
14 the issues to make sure that we've captured  
15 everything.

16 The NOI hasn't been published yet. It  
17 hasn't been published. We put that out so that  
18 people are aware that the public scoping meetings  
19 are occurring.

20 Like I said, I'll be in Costa Mesa at the  
21 sand show talking to everyone and anyone who wants  
22 to talk about it, provide written comments then.  
23 And I'm willing to come, like I said, as my  
24 schedule allows.

25 MS. WARREN: So what would be the

1 difference, because I'm not sure what would be the  
2 difference, if we have you come speak? And I'm  
3 sure that we can get a meeting going in Orange  
4 County just for that purpose. If we have you do  
5 that, what is the difference between that and one  
6 of these three meetings? Is there a difference?

7 MS. TROST: No. There's no difference.  
8 It's an opportunity as the public. And a key  
9 opportunity is going to be to comment during the  
10 draft.

11 MS. WARREN: Right. How many days after  
12 that draft is out will we have?

13 MS. TROST: The consultant has those days  
14 identified right now. They're going to be at all  
15 previous six locations, everywhere that we went to  
16 originally, except the Cahuilla Ranger station.  
17 So you can look for that. I expect to be posting  
18 that any day. It's going to occur sometime in  
19 March and April of 2002.

20 MS. WARREN: Once the draft is out, how  
21 many days to we have?

22 MS. TROST: There's a 90-day comment  
23 period, and we're asking for no extensions of that  
24 comment period at this time. And that is mainly  
25 because we will not be able to meet the time line

1 before us with any additions to the comment  
2 period.

3 MS. WARREN: Okay. Can I assume then  
4 that those 90 days will not include any holiday  
5 periods as it was before?

6 MS. TROST: Okay. It will come out in  
7 February.

8 MS. WARREN: Okay. So we'll have  
9 plenty -- that's acceptable. Does the draft that  
10 you have now, does it include any of the five  
11 temporary closures?

12 MS. TROST: We have no draft.

13 MS. WARREN: There is no draft?

14 MS. TROST: There is no draft. We're in  
15 the issue identification portion of the planning  
16 process at this time. We haven't identified  
17 alternatives.

18 MS. WARREN: You have no alternatives  
19 identified? Could you tell me then exactly what  
20 kinds of comments you're looking for? What do you  
21 need from us?

22 MS. TROST: What I showed you on the  
23 screen, some of the key things that came out of  
24 the El Centro meeting were things resulting from  
25 what occurred in January and February of 2000

1 until today. The circumstances have changed. The  
2 social, economic, the recreation mitigation.  
3 These are the types of things that we heard from  
4 in El Centro. The types of things that changed  
5 between the two scoping meetings.

6 MS. WARREN: Okay. So pretty much the --

7 MR. DENNER: Vicki, I have to cut it off  
8 there.

9 MS. WARREN: All right.

10 MR. DENNER: It's past 3:30 a minute or  
11 two and we need to get these other presentations  
12 in. For those of you who also have speaker slips,  
13 after the Coachella Valley presentation, we'll  
14 pick up right here on this issue. If you wanted  
15 to speak on this issue, when I call your name,  
16 you'll be able to do it at that time.

17 MR. SALT: Just one second. I'm not sure  
18 that Roxie made it clear. I was out of the room  
19 at the beginning of her presentation. I want to  
20 make it clear why the necessity to have the thing  
21 on the kind of schedule and why the lack of  
22 flexibility of any extension of the comment  
23 period.

24 That's because we want to have the  
25 decision before the beginning of the next season.

1 If we have decisions that result in changes, it's  
2 best to do that at the beginning of the season  
3 than it is to try to do it in the middle of the  
4 season. So it's to the off-roaders' advantage to  
5 keep on this accelerated schedule. Thank you.

6 MR. DENNER: Mr. Bill Havert?

7 MR. SULLIVAN: I'm Jim Sullivan.

8 MR. DENNER: Oh, I'm sorry.

9 MR. SULLIVAN: Bill is a consultant.

10 He's director of the Coachella Valley Mountains  
11 Conservancy. They are the people actually writing  
12 the plan. I represent the lead agency, the  
13 Coachella Valley Association of Governments.

14 MR. DENNER: Sorry about that, Jim.

15 MR. SULLIVAN: No problem. What I want  
16 to talk about is the Coachella Valley  
17 Multiple-Species Habitat Conservation Plan and the  
18 Natural Communities Conservation Planning  
19 Program. This is basically the private land  
20 version of the kind of plans that the BLM is  
21 doing.

22 BLM is a big partner in this. And  
23 obviously, BLM manages a lot of the land in the  
24 Coachella Valley. So they will be part of this  
25 plan.

1           We cooperate very closely with the Bureau  
2 of Land Management. We meet with them regularly.  
3 Essentially, the idea is that our multiple-species  
4 plan will dovetail with their amendment to the  
5 California Desert Conservation Act.

6           So the Coachella Valley Multiple-Species  
7 Plan covers the area basically from the  
8 San Bernardino border to the San Diego County  
9 border and basically to the crest of the hills  
10 around it. So through the crests of the San  
11 Jacinto there.

12           The entire area is about 1.2 million  
13 acres. Right now we're planning on covering  
14 30 species in 26 natural communities. Natural  
15 communities you can think of as vegetation types.  
16 That is subject to change, depending on how many  
17 cities and things like that. The Coachella Valley  
18 Water District, whether they will join, et cetera,  
19 will determine whether we cover all those  
20 species.

21           We do have a website with a lot of  
22 details, a lot of maps. I have a card that I can  
23 give you on my way out. I do have to kind of  
24 rush. I do have another appointment. But I'll  
25 certainly be happy to give you a card on the way

1 out. The website is kind of long, the address.

2           The Coachella Valley Association of  
3 Governments is the lead agency on this plan. We  
4 have a project advisory group that meets the  
5 fourth Thursday of every month at CVAG  
6 headquarters.

7           This is a group that basically has pretty  
8 much formulated representing the various interests  
9 of the local, state and federal agencies, business  
10 community. The building and Industry Association  
11 has been very supportive of the plan.  
12 Environmental groups and local citizens.

13           As I said, the actual contractor writing  
14 the actual plan document is the Coachella Valley  
15 Mountains Conservancy. And the EIR and EIS are  
16 being prepared by the Terra Nova Planning &  
17 Research. This is probably the most independent  
18 review panel that included Michael (inaudible) and  
19 Reed (inaudible), two of the top conservation  
20 biologists.

21           If any of you are aware one of the first  
22 ACPs that were ever done was for the Coachella  
23 Valley fringe-toed lizard back in the 1980s. It  
24 turned out that there were some limitations on  
25 that plan, that there was a possibility of dealing

1 with the kind of thing that the BLM is now doing  
2 with these listings.

3           So the Coachella Valley Association of  
4 Governments started looking into whether a more  
5 proactive plan would hopefully avoid these kinds  
6 of conflicts in the future could be done.

7           In 1994 a team of conservation biologists  
8 offered some site visits and offered advice. We  
9 have a scientific advisory committee which has  
10 basically formulated the plan which is associated  
11 with the University of California's Deep Canyon  
12 Research Center and the Center for Natural Lands  
13 Management. These are local biologists who each  
14 have over 17 years of field experience in the  
15 area.

16           And then we just made an independent  
17 science review panel, as I said, including Reed  
18 (inaudible) and Michael (inaudible) that reviewed  
19 the internal draft conservation alternatives that  
20 we had prepared.

21           The current status is that we had an  
22 internal review draft that was completed in August  
23 of 2000 from this independent science panel, their  
24 report on this internal draft in April of 2001.

25           Where we're at now is our science



1 advisory committee, our local scientists have just  
2 developed a draft-preferred alternative from the  
3 alternatives.

4           That has been submitted to Fish and Game  
5 and Fish and Wildlife for an analysis of how much  
6 coverage we would actually get under that. We're  
7 supposed to get responses back on that on what  
8 species we could possibly cover with that in the  
9 middle of September.

10           This is, as I said, part of BLM. BLM is  
11 involved in this as part of their amendment to the  
12 desert plan. The county of Riverside is doing a  
13 new general plan. The western side of the county  
14 is also doing a multiple-species plan. We're  
15 trying to be on the same schedule as the western  
16 Riverside plan.

17           Most of the private land in our planning  
18 area is under county of Riverside jurisdiction.  
19 The county is the biggest landowner in terms of  
20 private land in here, and we have coordinated  
21 closely with them in working with their staff.

22           We expect to have another internal review  
23 draft doing the preferred alternative and screen  
24 check EIR/EIS in October and then have a plan  
25 available for public review and comment in January

1 and hopefully go through the whole process in  
2 spring of next year. Then Fish and Wildlife and  
3 Fish and Game will have to review everything. If  
4 everything is worked out, we'll get permits issued  
5 in October of 2002. It's a pretty aggressive  
6 schedule.

7           Now this is just a map of basically  
8 biodiversity hot spots in the United States. I  
9 like to use this in terms of that we are in an  
10 area of extremely high biodiversity. That makes  
11 us very susceptible to endangered species  
12 listings.

13           We're dealing with a lot of animals and  
14 plants that are found nowhere else. The flip side  
15 of this is also about people who say the  
16 Endangered Species Act -- obviously there's a lot  
17 of conflict associated with the Endangered Species  
18 Act and a lot of emotions on both sides.

19           The thing really about it is, is that it  
20 isn't something that is generally causing problems  
21 across the country sort of. Basically we have  
22 these problems in the areas of Texas, Florida,  
23 Southern California that have a lot of growth in  
24 them now. So you have a lot of battles over  
25 growth that are part of this whole endangered

1 species thing.

2 But if you look at where all the  
3 political power in the United States is, it's up  
4 here. They don't have a lot of endangered species  
5 problems, and they don't particularly care if we  
6 do. So that kind of mitigates.

7 The Endangered Species Act has been  
8 around for a while. People have been upset about  
9 various things on both sides for a long time, and  
10 there haven't been any significant changes in the  
11 Endangered Species Act for many years.

12 So the idea that you're going to wait it  
13 out and it will go away, in terms of our local  
14 governments and the possible interference with  
15 economic development, it's not time to wait it  
16 out. It isn't a viable option for us.

17 Just in general, you guys are probably  
18 all familiar with the Coachella Valley. As I  
19 said, the planning area is the county borders and  
20 the crests of the surrounding mountains. In the  
21 Coachella Valley, basically we have a very extreme  
22 range of climates, topography, which has led to  
23 the number of species that are found nowhere  
24 else.

25 We're going from below sea level in the

1 Salton Sea to over 10,000 feet in a few tens of  
2 miles. So we have a very unique area. Most of  
3 the area south of the freeway is developed. And  
4 most of the cities that we're familiar with here,  
5 Desert Hot Springs where we are today is the  
6 exception.

7           And really the greatest problem that we  
8 are facing in terms of local government is really  
9 the valley floor areas that are relatively flat  
10 and developable.

11           A lot of this area is really not that  
12 developable. So there isn't that much interest,  
13 say from developers, in those areas. However, the  
14 valley floor does have places that are flat and  
15 developable. This is also where we have the  
16 problem with the fringe-toed lizard. So that is  
17 basically the general layout of that.

18           As I said, the fringe-toed lizard is --  
19 the first regional ACP that was done in the 1980s,  
20 this is the blow sand areas on the valley floor.  
21 You try to think of it along the freeway. All the  
22 red is blow sand areas.

23           Then we also have to protect the sand  
24 source areas. The sand is coming down from the  
25 hills. It's basically brought down by water from

1 the hills, deposited on the valley floor and then  
2 is blown by the wind this way.

3           So it turned out that the original  
4 fringe-toed lizard plan in the 1980s, this was  
5 before a lot of geographic information systems and  
6 a lot of the analysis that we have available today  
7 and didn't really protect the sand source areas.

8           We did end up with these three preserves  
9 which the largest one is the Coachella Valley  
10 Preserve, which you might be familiar with. So  
11 we've had a problem now with -- the Coachella  
12 Valley fringe-toed lizard plan was also done  
13 before the ACPs (inaudible).

14           The Department of Fish and Game did not  
15 really have a procedure for ACPs at that time. So  
16 we faced the possibility of losing our permits for  
17 the fringe-toed lizard over not having these areas  
18 protected. This is one of the issues that we must  
19 attend to in our now ACP.

20           We have marsh areas. This just is  
21 basically all the desert washes, every place that  
22 has some water in them. This is basically an area  
23 that would be impacted mostly by maintenance of  
24 the water agencies' facilities. It's not that we  
25 would probably get any species associated with it,

1 but it would allow continuing maintenance without  
2 any kind of problems.

3           Then we have mountainous areas. Of  
4 course, one of the biggest problems in our area in  
5 terms of difficult issues is the peninsula bighorn  
6 sheep. The problem, if anything, that stands in  
7 the way of this plan getting done is probably a  
8 few projects that are a few hundred acres total in  
9 bighorn sheep habitat.

10           Then we have the alluvial fan with  
11 lowland vegetation areas. Basically all the scrub  
12 type stuff that we see more in the higher  
13 mountains. So if we look at the generalized  
14 vegetation of the valley we have, it looks like  
15 I-10 is sort of the low part of the valley or  
16 whatever, and we have the blow sand areas in the  
17 yellow here.

18           Then on both sides we have all the  
19 existing development, urban development here in  
20 the west side of the valley and agriculture  
21 development down on the eastern part of the valley  
22 and moving up to lowland scrub and more  
23 mountainous vegetation beyond that.

24           In terms of land ownership, everything in  
25 white is private land. So basically I'm showing

1 you everything that's not private land in color.  
2 BLM is all of this stuff. So BLM is a very  
3 significant landowner.

4 Other federal agencies also are very  
5 significant landowners in terms of Joshua Tree  
6 National Park. The state owns some land. We have  
7 about 60 percent of our plan area is already -- or  
8 the area we want to be conservation areas, about  
9 60 percent of that is already in public  
10 ownership.

11 We looked at three alternatives in trying  
12 to develop a preferred alternative. Now, this all  
13 here is all public land, publicly-owned land, in  
14 different colors for the different levels of  
15 conservation that are now practiced on those  
16 lands.

17 This plan would basically be in term of  
18 increasing conservation levels on all the existing  
19 public lands. This really isn't a viable option  
20 for us for our members in local government.

21 There is a lot of federal-owned land.  
22 It's basically in the mountains and undevelopable  
23 parts. Another problem is the on the valley floor  
24 with regard to the blow sand communities. So this  
25 was just done to see how much conservation would

1 be in there.

2           This conservation alternative is one that  
3 was basically developed by our local scientists.  
4 Here we're showing all the existing public land in  
5 the dark green and the area that we would have to  
6 acquire from private landowners in the lighter  
7 green.

8           And again, it's basically kind of along  
9 the mountainous areas. Most of that land isn't  
10 very valuable, and a lot of it is essentially  
11 undevelopable. It would be expensive. What we  
12 would have to deal with really is the valley floor  
13 thing. That is where we're getting the big prices  
14 per acre.

15           So our local scientists developed this.  
16 This was the enhanced conservation alternative  
17 that basically Fish and Wildlife and Fish and Game  
18 said that these areas had to be looked at more and  
19 that they needed to be evaluated more closely.

20           The biggest issues here were the ideas of  
21 this huge corridor through the washes here in  
22 Desert Hot Springs and the areas to the south of  
23 the freeway.

24           There's also a lot of Indian land that is  
25 interspaced with non-Indian land. The Agua



1 Caliente tribe is doing their own ACP that's  
2 separate from ours. There's a lot of problems in  
3 general in managing this with this kind of  
4 checkerboard pattern of the federal and private  
5 lands that we have throughout here.

6           So the Agua Caliente probably will do  
7 some conservation south of the freeway. This area  
8 is also the most highly valuable land, the most  
9 developable land. That was Fish and Game and Fish  
10 and Wildlife's enhanced conservation plan.

11           This is what our scientists then look at  
12 what Fish and Wildlife and Fish and Game said and  
13 also the review that was done by independent  
14 scientists. This became our draft preferred  
15 alternative. That's where we're at right now.

16           Here again, I've shown the dark green is  
17 existing public land. The light green is land we  
18 would have to acquire from private landowners.  
19 Our plan is basically based on acquisition from  
20 private landowners at market value.

21           The red areas are areas that have been  
22 removed from consideration. After our scientists  
23 looked at all the comments, they felt that these  
24 areas were not necessary to meet the standards of  
25 protecting the essential and sufficient

1 populations of the species that we are trying to  
2 preserve.

3           On our website -- I do have the preferred  
4 alternative up on the website and the details of  
5 all the decisions on here. So if you really want  
6 to see what's happening in each one of these  
7 areas, that is available on our website.

8           Then as I said, in terms of implementing  
9 the plan, we based it on existing public and  
10 private conservation lands. There are significant  
11 private conservation lands.

12           In terms of the fringe-toed lizard  
13 preserve, it is privately owned, much of it, but  
14 it is under a conservation easement. So it is not  
15 public land, but there are other areas that have  
16 conservation easements on them already. That's  
17 what I mean by private conservation lands.

18           Then acquisition from willing sellers.  
19 We hope to develop some kind of conservation  
20 incentives to landowners in terms of buying  
21 development rights, possibly transfer of  
22 densities. Things along those lines.

23           And then the general plan policies,  
24 zoning ordinances and the natural constraints of  
25 the development. As I said, much of this area of

1 private land really isn't very developable in the  
2 first place. There hasn't been very much  
3 development there.

4           So the county, which is the jurisdiction  
5 controlling most of the private land, obviously  
6 does not want to pass a lot of unnecessary  
7 restrictions on development. And it seems that a  
8 lot of these areas wouldn't be developed under  
9 existing policies. So whether Fish and Wildlife  
10 and Fish and Game would be satisfied with that is  
11 of course another issue.

12           Then the possibility of development  
13 review in conservation areas. The idea is that we  
14 would acquire land from private sellers. We  
15 realize that everyone is not going to be willing  
16 to sell. We also realize we may not have the  
17 money up front. So we are going to allow  
18 development in those areas under existing  
19 regulations up to 10 percent of the areas that  
20 were identified as conservation areas.

21           As we get closer that 10 percent point,  
22 we probably have to have some kind of trip-wire  
23 mechanism, whether it is we put up development,  
24 safeguard provisions that would be triggered as we  
25 get closer to this 10 percent.

1            Obviously there's going to have to be a  
2 plan of compliance monitoring to see if we're not  
3 having more than 10 percent development. Then  
4 also biological monitoring and adaptive  
5 management, we're already working on developing  
6 some base line data for monitoring plan.

7            So we have a relationship with the  
8 Riverside County general plan. As I said, we work  
9 very closely with them since they are the  
10 jurisdiction that actually regulates the vast  
11 majority of undeveloped private land in this  
12 area.

13           Right now it seems that they are -- as I  
14 said, they're updating their general plan. They  
15 do have a draft general plan out, and it seems  
16 that virtually all the land that we're talking  
17 about is already either conservation element or  
18 rural foundation element.

19           So it's already land that we could only  
20 put like one well per five or ten acres. So it's  
21 pretty well protected under that. We don't see a  
22 lot of conflict with the general plan with the  
23 county.

24           As I said, we coordinate closely with the  
25 Bureau of Land Management on their plan

1 amendment. There's also an overlap in NECO and  
2 the Coachella Valley multiple-species plan in the  
3 eastern part of the Coachella Valley.

4           If you have questions in terms of BLM's  
5 participation with us, I think I'm going to leave  
6 those to -- Elena is going to make a presentation  
7 right after me on basically how BLM is fitting in  
8 with our plan. If you have questions just on the  
9 multiple-species plan with ours, I'd be happy to  
10 answers those.

11           MR. BETTERLEY: Mr. Chairman, if I  
12 might.

13           What is your organization doing with  
14 compensating the county of Riverside taking  
15 private lands off the tax (inaudible) and putting  
16 that pressure for the tax dollars on all the  
17 private lands that will be left?

18           MR. SULLIVAN: Well, the idea behind  
19 these plans is that in terms of economics, there's  
20 an overall benefit in terms of allowing economic  
21 activity to go on without the kind of long delays  
22 and sort of thing we're seeing here today.

23           So in the studies that have been done  
24 with other regional ACPs, we're probably talking  
25 about a 4-to-1 ratio in terms of (inaudible) the

1 plan to the economic activity to go forward  
2 without the kinds of delays that we're seeing.

3           So overall, it is a stimulating  
4 development because areas outside the conservation  
5 areas will be allowed to develop. As I said, with  
6 the Riverside County general plan, most of our  
7 conservation areas are already in the areas that  
8 we weren't planning to have any significant  
9 development in anyway.

10           Putting these areas aside, we are  
11 allowing development to go ahead in the areas that  
12 they have determined they want to have development  
13 in without having a lot of delays and a lot of  
14 problems associated with the Endangered Species  
15 Act.

16           So essentially, it's streamlining that  
17 regulation in those areas that hopefully would  
18 actually -- the idea behind these plans is  
19 essentially economic.

20           The plan is supported very significantly  
21 by the Building and Industry Association. They  
22 are seeing it as a net overall economic benefit  
23 because of stopping this whole kind of battle  
24 about the endangered species and this sort of  
25 endless negotiation with Fish and Wildlife

1 Service. One plan will take care of that.

2 MR. REDDY: Mr. Chairman, can I help with

3 the answer of that?

4 MR. DENNER: Yes. Go ahead.

5 MR. REDDY: Riverside County is a member

6 of Coachella Valley. Many of you may not

7 understand that Jim represents a group that has a

8 membership of the cities of the valley and the

9 county. That is who CVAG is. So this is their

10 general plan amendment that you saw.

11 MR. DENNER: Council members, questions?

12 Ron?

13 MR. KEMPER: Did I understand you

14 correctly that in that plan when a piece of

15 private land is taken out of it, you're allowed an

16 increased density in the remaining?

17 MR. SULLIVAN: That's one of the things

18 we're possibly looking at. We have implementation

19 strategies for this that are not formulated yet.

20 Also it would have be to approved by Fish and

21 Wildlife and Fish and Game.

22 One of the things we are looking at is

23 compensation in terms of a density transfer. We

24 would certainly like to have incentives for

25 landowners rather than any kind of regulation.

1 The county generally does not want to regulate any  
2 more than they already are and as much as we  
3 possibly can do things like conservation easements  
4 and transfers.

5 MR. KEMPER: Just a couple more  
6 questions. In a percentage form, can you tell us  
7 what vacant land is currently held in private  
8 ownership and what private land is currently held  
9 by government agencies or government entities?

10 MR. SULLIVAN: In the plan area, I think  
11 it's about 60 percent is already publicly owed.

12 MR. KEMPER: Sixty percent is already  
13 publicly owned, and you're looking at acquiring  
14 how much more?

15 MR. SULLIVAN: Privately owned, you know,  
16 I don't have the figures because we've just gone  
17 through these different alternatives. But I would  
18 say that in terms of looking at our plan, you  
19 really have to look at the vast majority of the  
20 privately owned land is essentially  
21 undevelopable.

22 So in terms of the areas that are really  
23 going to be impacted, it's going to be relatively  
24 small areas on the valley floor which are very  
25 expensive land. That's really the big problem.



1 So we'll have to have the money to pay for those  
2 rather than the overall cost -- the overall costs  
3 per acre --

4 MR. KEMPER: I understand what you're  
5 trying to communicate to me. My question was,  
6 percentage wise how much are you looking to  
7 purchase?

8 MR. SULLIVAN: Okay. The overall plan  
9 area, it would be something like -- the overall  
10 conservation area, it would be about --

11 MR. KEMPER: The overall area to the  
12 boundaries.

13 MR. SULLIVAN: Well, in terms of  
14 conservation area that will be set aside, I think  
15 about 65 percent of it is already publicly owned  
16 and 35 percent more would have to be obtained.

17 MR. KEMPER: That makes 100 percent.

18 MR. SULLIVAN: Right. Are you talking  
19 about the entire plan area?

20 MR. KEMPER: I'm talking about the  
21 entire plan area.

22 MR. SULLIVAN: Okay. It would probably  
23 be something like 15 percent.

24 MR. KEMPER: Okay. Thank you.

25 MR. DENNER: That's 15 percent to be

1 added to the existing 60 percent?

2 MR. SULLIVAN: Right.

3 MR. DENNER: For a total of 75 percent

4 would be conservation area?

5 MR. SULLIVAN: Well, publicly owned

6 conservation area.

7 MR. DENNER: Any other board questions?

8 MR. KENNA: If I could help on that. We

9 could get you those numbers. I think it's

10 probably unfair to (inaudible), but we can get

11 them for you.

12 MR. DENNER: I don't think it's important

13 that we have the exact number. The obvious

14 conclusion is a hell of a lot of area in the

15 Coachella Valley is going to be owned by either

16 the government or private conservation agencies.

17 I think that's pretty obvious.

18 MR. KENNA: I don't think it's

19 75 percent.

20 MR. RISTER: Are there any provisions to

21 increase PILT or the payment in lieu of taxes for

22 the private land that are going to be acquired by

23 public entities?

24 MR. SULLIVAN: Are you talking about like

25 a conservation easement on the property, lowering

1 property taxes?

2 MR. RISTER: No. I'm talking about the  
3 federal contribution payment in lieu of taxes for  
4 federally owned land. Is there going to be any  
5 provisions to increase that allotment to Riverside  
6 County or to the Coachella Valley?

7 MR. SULLIVAN: What the federal and state  
8 plan would be is still under negotiations.

9 MR. KENNA: I don't think Jim is familiar  
10 with PILT. I think the PILT formula will remain  
11 what the PILT formula is. To the extent that it  
12 effects Riverside County, I suspect that their cap  
13 is based on acreage to the east. I wouldn't swear  
14 to that.

15 But I guess the other side of that is  
16 that this has not been an issue with the county.  
17 They are more concerned with the economic effects  
18 and solving some of the Endangered Species Act  
19 problems.

20 MR. DENNER: Any more questions for our  
21 presenter before he leaves?

22 Bob?

23 MR. ELLIS: Is there a way to pronounce  
24 your acronym?

25 MR. SULLIVAN: No. I don't know of one.

1           MR. ELLIS: Is there a conflict then  
2 between NECO and --

3           MR. SULLIVAN: No, there's no conflict.  
4 NECO only affects public lands. It doesn't have  
5 any effect on private lands. Our plan is to get  
6 coverage on private lands. Our plan is basically  
7 focused on allowing private development to go  
8 ahead without critical (inaudible) of the  
9 Endangered Species Act.

10          MR. DENNER: Okay. I think we need to  
11 move on. We have a second half of that  
12 presentation coming up, I think. Once again, I  
13 have to ask the presenter to move as rapidly as  
14 you can. We are way behind.

15          MS. VASQUEZ: Good afternoon. My name is  
16 Elena Vasquez. I work for the Bureau of Land  
17 Management in Palm Springs. It's my pleasure to  
18 give you an overview of our role in the Coachella  
19 Valley Multi-Species Habitat Conservation Plan.

20          BLM's plan amendment in the Coachella  
21 Valley, of course, is only one of several  
22 California Desert conservationary plan amendments  
23 in progress. I'm sure you're familiar with the  
24 NECO plan, the NEMO, which both of them are out in  
25 draft now.

1           The west Mojave plan is still in  
2 progress. Roxie, of course, did a great job  
3 presenting the Imperial Sand Dunes. And then ours  
4 is the Coachella Valley portion of the plan  
5 amendment. Both the Coachella Valley and the  
6 Imperial Sand Dunes of course on pretty fast  
7 tracks due to commitments we have.

8           As Jim indicated earlier, this is a  
9 multijurisdictional planning process. This is a  
10 little different plan for BLM in that we're not  
11 entirely in the driver's seat in the sense that  
12 the communities came to us asking for assistance  
13 with the multi-species plan.

14           Just to give you an indication of who the  
15 signatories are, of course, the Coachella Valley  
16 Association of Governments, the county of  
17 Riverside, the cities of the Coachella Valley and  
18 of course, Fish and Wildlife Service will be  
19 issuing permits. Fish and Game also will be  
20 issuing permits, BLM, Forest Service and Park  
21 Service.

22           Just to give you -- these are the scoping  
23 of the cities in the Coachella Valley. I want to  
24 point out that each of the cities in addition to  
25 the county will be doing updates to their general

1 plans also to ensure consistency with this  
2 regional multi-species plan.

3           Of course, very important also are the  
4 nonsignatories but very important partners in the  
5 Coachella (inaudible) Conservancy. Of course,  
6 they're helping to write the plan. The Center for  
7 Natural Lands Management, they're more familiar  
8 with over at the Thousand Palms Reserves, help  
9 write the monitoring plan for this multi-species  
10 plan.

11           Indian tribes such as the Agua Caliente  
12 tribe of course have their own habitat  
13 conservation plan. And we'll be working with them  
14 and also with BLM land issues with them because we  
15 do have quite a bit of checkerboard to work out  
16 any issues we have.

17           Parks and Recreation, the Coachella  
18 Valley Water District and of course a whole fleet  
19 of special interest groups. We apologize for not  
20 listing all of, but there are quite a few. And of  
21 course very importantly, our working groups which  
22 is a consortia of interest groups and the general  
23 public.

24           In terms of collaboration with the  
25 public, what we've been doing is since we're so

1 tied to the multi-species plan, we've been an  
2 integral part of the project advisory committees  
3 that have been occurring monthly.

4           We also went out with public scoping  
5 meetings last year in July. We did it along with  
6 the Coachella Valley multi-species plan. So we're  
7 working in tandem through this whole process. The  
8 reasoning is that we want a kind of one-stop  
9 shopping idea where the public doesn't have to  
10 chase down everyone to get the whole picture of  
11 what's happening here in the Coachella Valley in  
12 terms of planning.

13           And of course the project advisory  
14 committees are open to the public. And also  
15 importantly, we've got working groups such as the  
16 Trails working group, and we also will be  
17 establishing and working with (inaudible) Travel.  
18 We're still in the process of developing  
19 information on that.

20           BLM's objectives in entering into this  
21 planning process of course is to enhance  
22 cooperative relationships and coverage  
23 opportunities with the jurisdictions and the  
24 community. And of course we do also have a  
25 responsibility to help recover special status

1 species and prevent additional listings on the  
2 public lands.

3           A key role, especially as a multiple-use  
4 agency, is BLM's responsibility to help  
5 accommodate increasing urbanization needs in the  
6 Coachella Valley, be it power lines, be it  
7 recreation opportunities, be it communication  
8 sites. We are also looking at those through this  
9 planning process. And of course finally, we want  
10 to also promote consistency with the multi-species  
11 plan as a signatory.

12           Jim Sullivan showed you this one before.  
13 It shows you an overview of the preferred  
14 alternative in terms of the conservation area.  
15 The dark green and the light green is the whole  
16 proposed preferred alternative for the  
17 conservation area.

18           I must emphasize that at this time, BLM  
19 has not selected a preferred alternative in terms  
20 of its plan. We're still in the process of  
21 gathering information and finding alternatives,  
22 and we haven't conducted the analysis yet to make  
23 that determination.

24           But you can see, though, that the public  
25 lands -- the whole green is not just BLM. That's



1 all public lands, be it state, county and  
2 federal. Public lands are a pretty major part of  
3 the multi-species plan.

4 For BLM's plan amendment for this region,  
5 we actually stand slightly to the north to capture  
6 Whitewater Canyon and some issues there, which  
7 I'll show you shortly, and a little bit to the  
8 south to capture some of the Santa Rosas.

9 This map -- and I trust the advisory  
10 council has copies of these maps? Yes.  
11 Excellent. Thank you. So you can see them more  
12 up close. This again is showing the preferred  
13 alternative for the multi-species plan. In the  
14 yellow crosshatch, you'll see the BLM lands within  
15 that preferred alternative for the multi-species  
16 plan.

17 You can see that there's a fair amount  
18 that's within the multi-species boundary. A lot  
19 of it of course is already in the conservation  
20 status, for example, all the lands in the  
21 monument. You also have the wilderness areas and  
22 the Coachella Valley preserves area. Those are  
23 already in.

24 I'd like to talk a little bit about some  
25 of the alternatives we'll be looking at and

1 considering. Of course, one of the first ones  
2 that always comes up is areas of critical  
3 environmental concern. There's a range of options  
4 we'll be considering.

5           These are all our existing ACECs that we  
6 have in the Coachella Valley. We've got  
7 Whitewater Canyon will be here, Big Morongo. This  
8 is all part of the Coachella Valley preserve  
9 system with the fringe-toed lizard, Dos Palmas and  
10 a little portion of the Chuckawalla Bench.

11           That has been a suggestion of adding an  
12 ACEC for (inaudible) Canyon and also a suggestion  
13 for extending the Whitewater Canyon ACEC to  
14 encompass Mission Creek.

15           Another alternative BLM is going to look  
16 at is not establishing ACECs and simply  
17 designating public lands within the conservation  
18 areas as wildlife habitat conservation areas.

19           Another topic we'll be addressing is  
20 grazing in the Whitewater Canyon allotment. The  
21 range of alternatives we have, of course, is to  
22 continue grazing throughout the entire allotment,  
23 which is all this in blue right here.

24           One alternative is to eliminate this  
25 northern half of the allotment only and continue

1 grazing in the southern half. One of the ideas  
2 for this part, because of the checkerboard, it was  
3 causing quite a bit of challenge in terms of  
4 managing the livestock for the public lands only.  
5 And then of course another alternative would be to  
6 eliminate the allotment as a whole.

7 Wind energy. Of course there are some  
8 significant wind energy resources in the Coachella  
9 Valley. What this map is showing -- of course,  
10 the yellow is the public land. This stipple, this  
11 dark stipple is showing existing wind parks on the  
12 BLM managed lands.

13 We have no alternatives for wind parks.  
14 We're not proposing to close any. We're not  
15 proposing to establish any new areas. The reason  
16 being is that in talking to our wind park  
17 specialist in our office, he says that all the  
18 best public lands available for wind energy have  
19 already been taken up. So we're really not doing  
20 anything more on that.

21 Proposed OHV vehicle access area. These  
22 are areas that members of the public had come to  
23 us and suggested, and internally we tried to come  
24 up with areas for potential OHV open areas, one,  
25 of course, being Windy Point.

1           Another as suggested by the Sky Valley  
2 residents, there's a 640 acre parcel here that's  
3 been suggested as an OHV area. And also drop 31,  
4 which is down by the Mecca Hills, we're looking at  
5 as an alternative of an OHV open site.

6           As I mentioned earlier, we are also  
7 looking at routes of travel. We're in the  
8 process, of course, of gathering information and  
9 inventory.

10          Sand and gravel resources are a very  
11 important element of the public lands. The state  
12 of California has designated resource areas of  
13 high value sand and gravel mining, and those are  
14 shown on this map. They're just kind of outlined  
15 in the black outline.

16          And then the little gray areas are  
17 showing some existing sand and gravel use. So you  
18 can see there's a fair amount of public land  
19 within the resource area that is still not in  
20 production, but it could be.

21          And of course, here down the valley,  
22 there's a lot more activity. Again, the gray is  
23 current sand and gravel mining. We recognize that  
24 a local sand and gravel resource is very important  
25 to help support local development in the valley.

1 So we'll be looking at alternatives to establish  
2 community pits and continue to use the sand and  
3 gravel there.

4 Finally in conclusion, I just want to  
5 leave you with our messages here. This is, of  
6 course, a collaborative effort in the fact that  
7 BLM is not entirely in the driver's seat. We're  
8 serving as at partner in this larger regional  
9 planning effort.

10 We of course are committed to a  
11 multiple-use mandate, and I hope you can see that  
12 we're looking at all the alternatives for the  
13 public lands. Some of the uses may change as a  
14 result of the multi-species plan, but we're  
15 committed to the multiple use.

16 Of course, BLM's participation in the  
17 multi-species plan is very important on several  
18 fronts. One is the fact that we provide a federal  
19 share for establishing those conservation areas  
20 which helps make those plans more successful.

21 Also, though, commercially, the public  
22 lands are very important for facilitating urban  
23 development in terms of, like I mentioned earlier,  
24 the sand and gravel resources, communication  
25 sites, wind energy. All of those are very

1 important.

2           Finally, for BLM to be an effective  
3 partner in this whole collaborative process, it is  
4 very critical that we be timely. That is, we stay  
5 in line and stay on the same schedule as the  
6 Coachella Valley Multi-Species Plan.

7           They are targeting to, of course, have  
8 their permits issued by October of 2002, and they  
9 are looking to have their draft plan out in  
10 January. And we also will be looking to have our  
11 draft plan out in January.

12           Just like as we have for this whole  
13 process, we will be dovetailing along with them in  
14 this process, meaning it will be a combined  
15 Coachella Valley multi-species conservation  
16 program and (inaudible) plan amendment and a  
17 combined EIR/EIS, again, so that you have one-stop  
18 shopping and so you can see the whole big picture  
19 of what's happening in the Coachella Valley.  
20 That's it.

21           MR. DENNER: Thank you very much.

22           Any council members have burning  
23 questions?

24           MR. RISTER: Randy Rister again. On your  
25 proposed OHV areas, how do you plan to address the

1 issues of encroachment on private property  
2 adjoining these federally owned properties if they  
3 are developed into OHV?

4 MS. VASQUEZ: That's a very good  
5 question. I'm afraid we haven't quite got there  
6 yet.

7 Jim?

8 MR. KENNA: I probably can help on this.  
9 One of the sources for the area in Indio Hills  
10 that you saw on the map was at a public meeting in  
11 Sky Valley. That was discussed at some length. I  
12 was there together with Supervisor Wilson from  
13 Riverside County.

14 The interest is in trying to find a place  
15 where we can send people that we all agree is  
16 going to work. The concern that we got around  
17 Snow Creek and the Windy Point area and also in  
18 Sky Valley, the landowners are saying, "They're  
19 just going everywhere. We've got trespass  
20 problems. Why can't you just have them someplace  
21 that it's okay?" Roy brought this point up  
22 earlier.

23 So I think the issue itself is  
24 unresolved, but it's in the middle of the  
25 process. And the solution that's being proposed

1 is to try to find a place that we can say to  
2 people that it's okay and that works with the  
3 overall plan, both the general plan for Riverside  
4 County and the BLM plan.

5 MR. RISTER: Are you considering maybe  
6 some land swaps or some land adjustments so you  
7 can come up with a more contiguous block of land?

8 MR. KENNA: We're considering that.  
9 There are a bunch of other issues in play here.  
10 They are looking, particularly the county, at the  
11 costs to constituents and taxpayers of the  
12 acquisitions that they already have slated in  
13 order to get to the habitat area that will meet  
14 the permitting requirements according to the Fish  
15 and Wildlife Service.

16 So there will be some very pragmatic  
17 discussions around. How much are they willing to  
18 ask the constituents to pay to make the plan work  
19 and for what purposes. I think that really is  
20 going to have to fall on the large part to that  
21 public process and to the county and the local  
22 jurisdictions.

23 MR. DENNER: Jim, in closing this  
24 subject, I would just encourage you to work very  
25 hard. You've got a good start here just by the



1 idea that for once in our lifetime, we're seeing a  
2 plan concept that addresses the OHV issue.

3           There's an obvious rift between the BLM  
4 and the OHV community. And for you to come up  
5 with a draft plan that identifies a workable OHV  
6 area in this valley where it's really needed -- I  
7 mean, let's face it, you've got literally hundreds  
8 of thousands of acres set aside for protecting  
9 other species. Surely you can find a reasonable  
10 area to protect the endangered OHV enthusiasts.

11           It would be a good step in the direction  
12 of mending the fences with the OHV community.  
13 This could be the first plan that actually  
14 identifies the new OHV area in the Coachella  
15 Valley. You should work for that.

16           Okay. We're going to have to allow our  
17 court reporter to have a break. Then immediately  
18 we'll get into the Fort Irwin expansion. Then we  
19 have the Cadiz thing. Both are worthwhile  
20 issues.

21           Can we take five minutes maybe? Can you  
22 handle that?

23           THE REPORTER: Yes.

24           (Brief recess taken.)

25           MR. DENNER: Okay. Let's go. We're

1 running out of time. We have a bit of a dilemma.  
2 Our court reporter has a date tonight. What are  
3 going to do about that? Let's get started here  
4 while we're waiting for everybody to sit down. I  
5 still have these comments cards.

6 I'm not sure if they're for specific  
7 issues or general discussion later, but I'm going  
8 to read the names off here. If any of them are  
9 for the Coachella Valley plan, please come up and  
10 make your comments. Be as brief as you possibly  
11 can.

12 Ron Scott. Is this Coachella Valley?

13 MR. SCOTT: You had three separate OHV  
14 plans. How many acres was that? We didn't hear.

15 MR. DENNER: Jim, what are the acres  
16 involved in the three areas?

17 MR. KENNA: One is about (inaudible).  
18 Another is probably 100 or so. The third I think  
19 is about -- this is a guess. I think it's  
20 probably about 1,600, 1,800.

21 MR. SCOTT: How much is this plan  
22 proposed in buying the land for conservation? How  
23 much land is going to be bought or turned into  
24 wilderness? How many acres? The total wilderness  
25 plan, how many acres is that?

1           MR. KENNA: The wilderness, the total  
2 area is 1.2 million acres.

3           MR. DENNER: Not the whole Coachella  
4 Valley. Somebody said it was about 60 percent of  
5 it. Hundreds of thousands of acres still.

6           MR. SCOTT: Hundreds of thousands of  
7 acres. Okay. So we're talking about three  
8 thousand acres versus a couple hundred thousand  
9 acres. I think I can speak for everyone here that  
10 we want all three.

11           We used to have Windy Point. I think we  
12 had one of the other ones too. You're closing  
13 additional lands for the fringe-toed lizard. We  
14 want them all. Not just one. We want all three.

15           You get any kind of mitigation here,  
16 you're talking tit for tat. Okay. So we're  
17 talking 100 to .5. That's still not even close.  
18 So what I'm saying is that it's great. I'm glad  
19 it's in there. I'm happy to see it in there.  
20 It's not being greedy. We want them all.

21           MR. DENNER: Thank you, Mr. Scott. Your  
22 point is recorded.

23           Gary Wiers, was this on Coachella  
24 Valley?

25           MR. WIERS: No. Imperial Sand Dunes.

1           MR. DENNER: Pat Flanagan? Okay.  
2 Jeff Taylor?  
3           MR. TAYLOR: Actually, I do have one on  
4 this now.  
5           MR. DENNER: I'm sorry?  
6           MR. TAYLOR: Yeah. I would like to say  
7 something, if I could.  
8           MR. DENNER: Okay. Keep it brief.  
9           MR. TAYLOR: I will. My name is  
10 Jeff Taylor. The concern was brought up about  
11 off-roaders trespassing on private property. Is  
12 anything going to be done, maybe reach out to the  
13 organized off-road groups to help them educate or  
14 allow them to educate the public? At least  
15 they're members and that way to help us work with  
16 the BLM or these agencies to address these  
17 issues. That's pretty much it.  
18           MR. DENNER: Jim, do you want to answer  
19 that?  
20           MR. KENNA: We have talked with Jeri  
21 (phonetic) on this. She's hooked together with  
22 our recreation plan. We'll do what we can. We  
23 have talked with Jeri. Is Jeri still here? She's  
24 hooked together with Dan Atkinson, our recreation  
25 planner. They're doing what they can do with the

1 issue.

2 MR. TAYLOR: That's all I have. I do

3 have the other one for later too, though.

4 MR. DENNER: Okay. Paige, do you have

5 something on the Coachella Valley?

6 PAIGE: No, not as a whole. We're

7 working with the BLM to come up with an outreach

8 program to a program --

9 MR. DENNER: Okay. Just to the Coachella

10 Valley.

11 Okay. David Matthews. Is yours

12 Coachella Valley?

13 MR. MATTHEWS: No.

14 MR. DENNER: Robin Harris. Coachella

15 Valley?

16 MS. HARRIS: Yes. Good afternoon. My

17 name is Robin Harris. My husband and my family

18 have off-road rentals out at Windy Point. We've

19 been out there for over 20 years. I see a great

20 need for the off-road recreation in this area. I

21 see it and have seen it every day, day-in and

22 day-out, for 20 years.

23 The Windy Point area is the perfect area

24 for this recreational opportunity here in the

25 valley. It at this point still is bringing in

1 people from the Los Angeles County area and out of  
2 state who are unaware of the closure. This is  
3 weekly, daily. These people come and are  
4 extremely disappointed that there's no place to  
5 ride.

6 I feel personally, along with a lot of  
7 other people, that this is a great opportunity out  
8 there. At some point the ponds will be a  
9 recreational opportunity. There's been plans  
10 submitted to the city to that effect. The whole  
11 area is a perfect area for recreational  
12 opportunity.

13 If the BLM can take the manpower to close  
14 the Windy Point area and keep the people out of  
15 the area, they can certainly keep it contained to  
16 an area where people, say in Snow Creek, although  
17 they'll have to look at this recreational  
18 opportunity as they go into town, it won't  
19 trespass on their property.

20 If they can close the area, at least they  
21 can contain it. The area has been mitigated. It  
22 has been impacted. Let's just say it's a perfect  
23 area for the recreational opportunities including  
24 the water and the riding areas. Thank you.

25 MR. DENNER: Thank you.

1           AUDIENCE MEMBER: Open it back up.

2           MR. DENNER: One last comment. Then

3 we've got to move on. Make it brief, please.

4           MR. NOVAC: I just had one question in

5 regard to -- excuse me. My name is Tim Novac. In

6 regards to the wilderness areas, I didn't hear any

7 mention of the cost to maintain or to acquire or

8 any concern about the expense, but when it came to

9 3,000 acres of OHV area, the first thing out of

10 this gentleman from the BLM, Jim, he was concerned

11 about we're going to have to try and find money

12 for this.

13           The OHV has to be separated out in order

14 to acquire funds or is this already taken care

15 of? This is a question.

16           MR. DENNER: Jim, do you want to address

17 it? Thank you.

18           MR. KENNA: My answer is pretty simple.

19 The question was I believe related to acquisition

20 funding and whether or not there would be areas

21 acquired for off-highway vehicles. I simply

22 referred to the dialogue that's going on in the

23 public process with the Coachella Valley

24 Association of Governments relative to the cost of

25 the plan.

1           MR. NOVAC: What does that mean?

2           MR. KENNA: It means they have concerns

3 about how much land they will acquire and what the

4 purposes of that will be and how it will affect

5 what they get permits for from the Fish and

6 Wildlife Service. That was my comment.

7           MR. NOVAC: Well, if you're talking about

8 constituents, nobody has asked me if I want to

9 spend my money for wilderness areas. I don't

10 understand why you made the comment that it was up

11 to the constituents whether or not they want to

12 fund these areas.

13           Are we going to take a vote on the

14 wilderness areas on whether or not we want to

15 spend our money?

16           MR. DENNER: Your point is well taken. I

17 do indeed wish we had time to continue debating

18 it. I'm sorry. We just have to move on.

19           MR. NOVAC: I just wanted an answer.

20           MR. DENNER: I suggest that you put that

21 question in writing and send it to the district

22 manager who is sitting right here beside me. Send

23 a copy to me also, and we'll make sure that it

24 gets addressed at the next meeting or between now

25 and the next meeting. And hopefully we'll come up



1 with an answer about acquisition funds.

2 I think your question was if they have  
3 the money to buy all this property to set aside  
4 for the preservation areas, you know, why is it  
5 such a big problem to have money for an OHV area?  
6 That's a good question. So send me your question  
7 in writing, and I'll do my best to get an answer  
8 before the next meeting. Okay?

9 Okay. We're going to hear about the  
10 expansion of Fort Irwin. It shouldn't take more  
11 than just a few minutes, right, Tim?

12 MR. REED: That's what I think. Do you  
13 want to stretch your neck muscles this way or do  
14 you want it down there?

15 MR. DENNER: It doesn't matter.

16 MR. REED: First of all, let me explain  
17 the map. That is a map --

18 AUDIENCE MEMBER: Who are you? Give your  
19 name.

20 MR. DENNER: I'm sorry. They want to  
21 know who you are.

22 MR. REED: My name is Tim Reed. I'm the  
23 field manager in Barstow. Mike Dekeyrel was going  
24 to make this presentation. He would have been the  
25 right person to make the presentation. He's lived

1 and breathed this expansion for the past  
2 10 years. Unfortunately he's not available today  
3 due to personal issues. So you get No. 2.  
4 First of all, let me explain the map.  
5 This is a map that was part of the EIS that was  
6 done on the Fort Irwin expansion during the public  
7 comment period in 1997.  
8 Fort Irwin is the large white spot in the  
9 middle of the map. China Lake Naval Weapons  
10 Center is over here. The community of Barstow is  
11 just off the map. The yellow is the BLM land  
12 surrounding Fort Irwin with the occasional state  
13 parcels in blue. And then in the outward area,  
14 the white represents the private land within the  
15 expansion area.  
16 This is the entire amount of the  
17 expansion area analyzed in the EIS. I want to  
18 just have this map up so we can talk a little  
19 bit. It would be a good reference point as we go  
20 through the history and current status. I believe  
21 the council members have a copy of the history and  
22 current status within your pack. There are copies  
23 on the table. There were copies there this  
24 morning, if you don't have one.  
25 In 1940, Fort Irwin was first set aside

1 from the public lands with 642,000 acres as the  
2 Mojave Anti-Aircraft Artillery Range basically in  
3 the same configuration as we see today. It was  
4 used extensively during World War II, and then  
5 again during the buildup of Vietnam.

6           In '80 and '81, the facility was  
7 identified and activated as one of the army's  
8 national training centers. Through the 80s and  
9 90s, the NTC developed considerable infrastructure  
10 for the current uses that we see today.

11           Today they do train thousands of troops,  
12 and armored and mechanized army units from  
13 throughout the country travel to the NTC for  
14 21-day rotations for intensive live fire and  
15 battle maneuver training facing an opposing force  
16 which is permanently stationed at Fort Irwin.

17           The army considers the NTC at Fort Irwin  
18 to be the super bowl of modern and mechanical  
19 training providing a training environment as close  
20 to real combat conditions as possible. "The  
21 bloodless war" is how the general refers to it.  
22 The motto at Fort Irwin is "Lead, Fight, Win."  
23 They do a pretty good job of that.

24           Not all the current NTC acreage can be  
25 used for force-on-force or maneuver training due

1 to constraints in topography, the live fire area,  
2 the NASA Goldstone complex and various off-limit  
3 areas to protect culture and other resources.  
4 Current training can be conducted on approximately  
5 358,000 maneuverable acres within the current  
6 642,000.

7           The army has stated a need to accomplish  
8 on-the-ground deployment and training at the  
9 brigade level, which is three battalions --  
10 currently they do about a battalion -- to  
11 realistically train the units to meet potential  
12 threats in future battles. Army maintains that  
13 available maneuverable areas within the existing  
14 NTC are too confined and do not allow realistic  
15 battlefield deployment necessary for successful  
16 training and preparation of our fighting units.

17           An initial land use requirement study or  
18 LURS in 1985 identified a need to expand the  
19 training central at Fort Irwin for an additional  
20 238,000 acres. That's the net maneuverable land.

21           After a period of protracted negotiations  
22 between the BLM and the army, they finally reached  
23 an agreement as to who would be the lead federal  
24 agency and what was going to be the subject of the  
25 EIS which needed to be prepared on this expansion

1 area.

2           In August of '88, the army filed an  
3 initial application for the withdrawal of public  
4 lands. The army proposed action was identified in  
5 the Coyote Basin area, which basically is  
6 immediately south of the fort. Shortly after  
7 that, the tortoise was listed. We completed the  
8 scoping process as part of that EIS effort, and as  
9 I said, the tortoise was listed.

10           We ended up doing initial consultation  
11 with the Fish and Wildlife Service, and a draft  
12 jeopardy opinion was issued. Of course, what that  
13 meant is that if the expansion took place as  
14 proposed in the Coyote Basin, it would be a  
15 jeopardy situation. The tortoise would be not  
16 able to survive if that expansion took place.

17           As part of the process an alternative was  
18 proposed. That was to move into the eastern  
19 area. Watch your eyes. This is a laser. So  
20 anyway, the eastern expansion was what was  
21 identified as a reasonable alternative to the  
22 jeopardy.

23           That was a 330,000 acre expansion. And  
24 during the public comment period that we received  
25 on that, it was identified that that would be too

1 much of a loss of significant research value as  
2 well as recreation opportunities.

3           Also as part of that alternative with the  
4 Fish and Wildlife Service representative and BLM  
5 and the army were part was use of the navy lands  
6 in the wash area, China Lake, the navy undertook a  
7 missions compatibility analysis to determine the  
8 viability of joint use of portions of that area.

9           After they completed that analysis, they  
10 notified us and the army that that use of the navy  
11 land would be incompatible with the navy mission.  
12 Of course, from our perspective, that's an  
13 internal DOD issue.

14           So that again put us back into this  
15 Silurian alternative alone. Now, the army's  
16 proposal of Silurian alternative was not  
17 force-on-force use of the eastern area. It was  
18 what was known as battalion support areas. They  
19 would be putting the logistic component of the  
20 battle realistically 30, 40, 50 kilometers from  
21 the battle lines. That would allow the commanders  
22 to protect their supply lines as well engage in  
23 the force-on-force battles which would be  
24 occurring on the fort.

25           Under the current position, the army uses

1 approximately this area in here for their  
2 helicopter staging, that kind of thing. So by  
3 having that move outside of the base, it would  
4 free up about 60,000 acres inside the base.  
5 That's why it was a viable alternative to the  
6 army.

7           Anyway, it's a continuous block of public  
8 land containing significant natural and  
9 recreational resources including potential  
10 wilderness areas.

11           In August of '93, the Fish and Wildlife  
12 Service published a proposed rule for  
13 identification of critical habitat for the desert  
14 tortoise. Portions of the army's Silurian  
15 alternative involved proposed critical habitat  
16 areas. Then 16,000 acres were deleted from the  
17 proposed eastern expansion to accommodate that  
18 ruling.

19           In '93 the NTC did update their LURS  
20 requirements report and identified a shortfall of  
21 222,000 net acres, which was a little bit of a  
22 downward turn from their '85 report.

23           In April of '94, the Fish and Wildlife  
24 Service issued a no jeopardy B0 for the 331,000  
25 acre Silurian alternative. The draft EIS was

1 released in January of '97 that included Silurian  
2 and several other alternatives including the south  
3 and southwest expansion scenario.

4           Public comment at the hearings and  
5 through over 1,000 written comments to the draft  
6 EIS, there was a broad cross-section of  
7 constituencies that commented. The majority of  
8 the public comment questioned the need for the  
9 army to expand the NTC at all, and they also  
10 voiced concerns over the impact of the loss of  
11 public access for a variety of multiple and  
12 recreational uses in the proposed expansion area.

13           Most commenters say that the joint use of  
14 the DOD lands should be more fully evaluated  
15 before further consideration is given to the  
16 withdrawal and transfer of additional public  
17 lands.

18           The consensus of public opinion was that  
19 the proposed Silurian expansion into the Silurian  
20 Valley would constitute an irretrievable loss of  
21 public wildlands important to a wide range of  
22 public land users and constituencies.

23           Through late '97 and early '98, the BLM  
24 conducted an internal analysis of potential  
25 southern expansion scenarios. The goal was to



1 identify an expansion configuration that would at  
2 least in part address the state and army need for  
3 additional training area which could potentially  
4 achieve a no jeopardy condition for the tortoise  
5 by incorporating a substantial mitigation and land  
6 compensation package.

7           In March of that year, March of '98, BLM  
8 presented to the army a limited southern expansion  
9 configuration and mitigation/compensation package  
10 for their consideration. The identified expansion  
11 configuration involved approximately 128,000  
12 acres, 45,000 acres east of the NTC and 83,000  
13 acres south of the NTC east of Fort Irwin Road and  
14 north of the Boulder Utility Corridor. Basically  
15 up in this area and down through here.

16           It also included a mitigation package  
17 involving tortoise relocation, fencing, increased  
18 ranger presence and the acquisition of  
19 approximately 135,000 compensation acres in the  
20 Black Mountain, Kramer-Buckthorn and Harper-Iron  
21 Mountain areas of the western Mojave critical  
22 habitat units.

23           The estimated land value of the  
24 identified compensation land was \$77 million. It  
25 remained uncertain at that time whether a limited

1 southern expansion and mitigation package like the  
2 one identified would be considered a no jeopardy  
3 condition by the Fish and Wildlife Service if they  
4 were to formally review such a proposal. And BLM  
5 insisted that any NTC expansion proposal be  
6 evaluated in the west Mojave plan process.

7           In October of '98, the Fish and Wildlife  
8 Service listed the Lane Mountain milk vetch plant  
9 as an endangered species. Its known occurrences  
10 are on the NTC along the western boundary and  
11 right here and in the Goldstone area and also in  
12 the Lane Mountains.

13           The army did conduct an in-depth review  
14 of our proposal and responded to us in April of  
15 '99 with a significantly different limited  
16 southern expansion proposal consisting of  
17 approximately 174,000 acres.

18           Their counterproposal consisted of four  
19 component areas: East Gate, an area of  
20 approximately 49,000 acres over in here; the  
21 "90 Area" which is basically right on Fort Irwin  
22 in about in this area which had been set aside by  
23 the fort as a result of their consultation with  
24 the Fish and Wildlife Service for study of the  
25 tortoise and off-limits to training; and the

1 Coyote Corner area, approximately 29,000 acres  
2 south of NTC west of Coyote Lake and east of Fort  
3 Irwin Road right in here; and then the Superior  
4 Valley 83,000 acres basically up against China  
5 Lake and all through this area over to the  
6 Superior Lake.

7           In June of '99, Congressman Jerry Lewis,  
8 who was a strong supporter of the army NTC  
9 expansion proposal, requested army headquarters to  
10 draft legislation for the withdrawal of lands at  
11 Fort Irwin which could be added to the proposed  
12 Military Lands Withdrawal Act of 1999.

13           Beginning in the summer of '99 and  
14 continuing into 2000, intensive new desert  
15 tortoise surveys were initiated to create the most  
16 scientific data available for purposes of  
17 completing the west Mojave plan process and to  
18 effectively evaluate the effect of the proposed  
19 Fort Irwin expansion as a part of that process.

20           A series of working meetings occurred  
21 with army, BLM and Fish and Wildlife Service to  
22 discuss the army's proposal in terms of potential  
23 effects on the tortoise and on the Lane Mountain  
24 milk vetch, and how the proposed action could be  
25 evaluated in the west Mojave plan process.

1           The agencies reached a point of extended  
2   impasse, unable to come to an agreement on the  
3   potential effects of the expansion on the two  
4   listed species, components of the mitigation  
5   package, and evaluation of the expansion through  
6   the region-wide west Mojave plan process.

7           In August of '99, meetings began between  
8   the army and the Department of Interior in  
9   Washington with the goal of ultimately identifying  
10   an administration position on the Fort Irwin  
11   expansion proposal.

12           In September of '99, Senator Feinstein  
13   and Representative Lewis began a dialogue on the  
14   Fort Irwin process, jointly urging a resolution by  
15   the agencies in a manner that would address the  
16   army training needs while ensuring protection of  
17   the desert tortoise and other sensitive species.

18           In October of '99, the Departments of the  
19   Army and Interior jointly announced that action on  
20   the proposed Fort Irwin expansion would be delayed  
21   for approximately one year to allow for completion  
22   of intensive desert tortoise surveys.

23           In December of '99, the army and BLM  
24   formally convened a desert tortoise conservation  
25   planning team to determine what set of

1 conservation measures could be put in place that  
2 ensure the long-term survival and recovery of the  
3 desert tortoise in the western Mojave Desert in  
4 light of the army's plans for expansion.

5           In April of 2000, this blue ribbon panel  
6 of biologists produced a final report which  
7 recommended dedication of approximately 1 million  
8 acres to tortoise recovery and conservation in the  
9 western Mojave Desert. The panel also concluded  
10 that the proposed Fort Irwin expansion as proposed  
11 may substantially impair the survival and recovery  
12 of the desert tortoise and would likely jeopardize  
13 the continued existence of the Lane Mountain milk  
14 vetch.

15           In October of 2000, army and BLM  
16 officials announced that a revised expansion  
17 proposal had been agreed to by the agencies  
18 subject to completion of the environmental review  
19 process including Section 7 conservation.

20           This is the current expansion proposal,  
21 which involves conversion of approximately 22,000  
22 acres on post south of the 90 grid lane to  
23 training, and approximately 110,000 acres of new  
24 expansion: 46,400 acres in East Gate and 63,600  
25 on the west side of Superior Valley.

1           This expansion proposal has eliminated  
2 lands south of the Paradise Range that support  
3 good populations of tortoise and good populations  
4 of Lane Mountain milk vetch.

5           Section 323 of the Consolidated  
6 Appropriations Act of 2000, signed into law in  
7 December of 2000, directed the Secretaries of  
8 Defense and Interior to complete the details of a  
9 Fort Irwin expansion and develop proposed  
10 authorizing legislation.

11          The direction in law was to develop a key  
12 elements report within 45 days of the passage of  
13 that law, to receive a preliminary review of the  
14 expansion from the Fish and Wildlife Service  
15 within 90 days, to develop a detailed expansion  
16 plan and accompanying draft legislation within  
17 120 days. Also, the sum of up to \$75 million was  
18 authorized to fund mitigation to and compensation  
19 measures to offset the effects of the proposed  
20 expansion.

21          There was \$5 million appropriated, \$2.5  
22 million to BLM and \$2.5 million to the army in  
23 which to do whatever studies we might need to  
24 further identify some of these missing  
25 information.

1           The key element report -- which you have  
2 in front of you for the council, and there are  
3 some copies on the table -- was finalized in  
4 January of '01.

5           The report acknowledges that if Fort  
6 Irwin expands as proposed, conserving listed and  
7 sensitive species in the western Mojave Desert  
8 will become more difficult, because most of the  
9 land in the proposed expansion would no longer be  
10 available for species conservation.

11          The report also noted that even though  
12 the proposed expansion area encompasses a large  
13 amount of desert tortoise critical habitat, it  
14 does avoid the important habitat immediately south  
15 and southwest of the fort, including Paradise  
16 Valley and Coyote Basin.

17          These areas, now eliminated from the  
18 proposed expansion, support some of the highest  
19 numbers of desert tortoise remaining in the  
20 western Mojave Desert.

21          The report also stressed that evaluation  
22 of the Fort Irwin expansion needs to be  
23 coordinated with development of the west Mojave  
24 plan.

25          The report also identified recommended

1 conservation measures, including expansion of the  
2 existing Fort Irwin Desert Tortoise Research Area,  
3 that BLM should designate approximately 193 square  
4 miles south of Fort Irwin as an ACEC, and  
5 formation of an interagency working group of Fish  
6 and Wildlife Service, BLM and the army to evaluate  
7 proposals for land acquisition and other  
8 conservation measures.

9           In March of '01, the Fish and Wildlife  
10 Service provided a preliminary review of the  
11 effects of the expansion of the NTC which was  
12 required by the legislation.

13           The preliminary findings of that report  
14 are that, absent measures to reduce impacts,  
15 expansion of the NTC may substantially impair the  
16 survival and recovery of the desert tortoise in  
17 the western Mojave Desert, and would likely  
18 jeopardize the continued existence of the Lane  
19 Mountain milk vetch.

20           The preliminary review provides  
21 recommended conservation actions to be identified  
22 as part of the expansion plan to be submitted for  
23 future formal Section 7 consultation.

24           In July of 2001, the proposed expansion  
25 plan and accompanying draft authorization



1 legislation was jointly submitted to congress by  
2 the Secretaries of Defense and Interior. That  
3 plan, which is in front of you, includes measures  
4 to reduce and offset the effects of the proposed  
5 expansion.

6           The proposed legislation would  
7 authorize the withdrawal and transfer to the army  
8 of public lands for the expansion but prohibit any  
9 ground-disturbing uses by army until full  
10 compliance with the ESA and NEPA is completed.

11           The draft legislation, which you also  
12 have in front of you, is currently pending as part  
13 of the 2002 military appropriations bill.

14           I didn't include a copy of the Fish and  
15 Wildlife Service report because in the draft  
16 expansion plan, the elements of the Fish and  
17 Wildlife Service report is included.

18           The army is the lead federal agency for  
19 the preparation of a supplemental draft EIS for  
20 the current expansion proposal. The BLM will  
21 participate as a cooperating agency. The army  
22 will soon publish an NOI, Notice of Intent, to  
23 prepare the supplemental EIS which will cover the  
24 direct, indirect and cumulative effects of the  
25 proposed expansion and alternatives.

1           Under the proposed expansion plan, the  
2 army EIS will be coordinated to the maximum extent  
3 possible with the EIS to be prepared for the west  
4 Mojave plan, which will cover the effects of the  
5 listed and sensitive species management  
6 prescriptions for the plan area. The west Mojave  
7 plan EIS will take into account the effects of a  
8 proposed Fort Irwin expansion.

9           The last two pages of this handout are  
10 the resolutions from this council from your May  
11 30th and 31st, 1997 meetings. One of your  
12 recommendations, which was offered by Bill Glauz,  
13 who was the right-of-way member, was to not have  
14 any of the Fort Irwin expansion cross the Boulder  
15 utility corridor, which is right through here.

16           The current expansion configuration, as  
17 recommended and submitted by the Department of  
18 Defense and Department of the Interior, does not  
19 cross the Boulder utility corridor.

20           And the legislation says that all  
21 training and activity shall remain at least  
22 500 meters from any utility system in existence as  
23 of the date of the enactment of this act in  
24 Utility Planning Corridor "D".

25           Another resolution that the council made

1 was if any Fort Irwin expansion occurs, it should  
2 be oriented to the south and that further  
3 research, including a possible supplemental EIS be  
4 conducted which, among other issues, focuses on  
5 air quality, biology and comprehensive  
6 mitigation. That was offered by Mr. Crites. As  
7 I've mentioned, all of those things are what we're  
8 doing.

9           The third resolution is a Fort Irwin  
10 southern expansion must satisfy the requirements  
11 of the desert tortoise recovery plan for the west  
12 Mojave population of the tortoise. That was  
13 offered by Mr. Hartman. As I said, that's in the  
14 works as well.

15           The fourth was the BLM should get an  
16 independent review of need and compatibility use  
17 of the acreage within the navy Mojave "B" range.  
18 That was offered by Mr. Ahrens.

19           Although the army did not conduct a  
20 formal review of the LURS, they have identified  
21 that the LURS document is in realty an indicator  
22 of the army need in the absence of other  
23 constraints. The initial need as identified by  
24 the army was moderated by the requirement to  
25 acknowledge and address the environmental effects

1 of their proposal.

2           So I think all of the things that the  
3 council asked for have been complied with as we've  
4 gone through this process. If there are any  
5 questions -- there's also a map in front of you  
6 which identifies perhaps a little more succinctly  
7 the current proposal which was identified as East  
8 Gate and Superior Valley. It also identifies the  
9 wilderness study areas that are there. If you  
10 look closely, the proposed ACEC is identified on  
11 the map as well.

12           MR. DENNER: Any questions from council  
13 members?

14           MR. ELLIS: Yeah. This is a very big  
15 deal here, and we're of course taking this up  
16 again at the last minute. As I understand it,  
17 they are kind of negotiating in Washington right  
18 now. It has not passed the house already, or at  
19 least one committee in the house, and they're  
20 about to take it up in the senate.

21           Environmental groups have, at least many  
22 of them, banded together to oppose this  
23 legislation at this point primarily because they  
24 haven't really done what you said.

25           You've said that they've complied with

1 the resolutions that this group made a few years  
2 ago. And indeed, they have promised that they  
3 will do an EIR, and they have promised that they  
4 will comply with the Endangered Species Act.

5 But meanwhile the legislation is going to  
6 withdraw the land. It would not be available for  
7 public use. It would be basically taken out of  
8 the jurisdiction of the BLM, as I understand it,  
9 and it would be transferred to the army.

10 So not only will the lands be taken out  
11 of BLM jurisdiction without a guarantee that  
12 indeed they would be able to satisfy the  
13 Endangered Species Act, but indeed another larger  
14 area of this proposed ACEC would be as well, you  
15 know, I guess considered to be a mitigation for  
16 this taking of tortoise habitat.

17 I don't see how that could ever be  
18 coordinated with the west Mojave plan since it's  
19 sort of a trade-off that's being done right  
20 there.

21 Another issue is I believe that when the  
22 study was done and the recommendations by the  
23 biologists in 1999, they seemed to feel that it  
24 would be something on the order of \$400 million to  
25 provide purchases of land in mitigation for the

1 tortoise and other endangered species, and yet  
2 this legislation includes only \$75 million.

3           So maybe you can respond to how you feel  
4 that taking of land away from the BLM without  
5 doing a complete EIR would satisfy the  
6 resolution. I don't quite see it that way.

7           MR. REED: Well, one of the elements of  
8 that legislation is, you're correct, that the way  
9 it's currently devised, the land would be -- I'm  
10 not sure of the exact word, but it would be put  
11 into the army's control.

12           But no training -- no service training  
13 activities would be allowed to occur on it until  
14 the compliance with NEPA and the ESA has been  
15 completed and satisfied. That's just the way that  
16 legislation has been written.

17           There's also debate, as you know, Bob,  
18 about what is the highest and best use for public  
19 land. In this particular case, the legislation as  
20 it's written would identify that the training of  
21 American soldiers is the highest and best use for  
22 that land.

23           MR. DENNER: Any comments? Ron?

24           MR. KEMPER: Yeah. Tim, just a couple of  
25 things. How long has this process been going on

1 with the Fort Irwin expansion?

2 MR. REED: At least 10 years.

3 MR. KEMPER: Do I understand that the

4 reason for it is to better prepare our sons and

5 daughters to defend the freedom of the world?

6 MR. REED: The current NTC has been doing

7 that for a number of years. As a matter of fact,

8 you're probably aware that General Schwartzkopf

9 said that if it wouldn't have been for the NTC,

10 the Gulf War would not have turned out as it did.

11 So the current NTC does a good job of

12 that training, and the army believes that an

13 expansion of that training base is needed to

14 better prepare the soldiers for the battles of the

15 future.

16 MR. KEMPER: Which would save American

17 lives.

18 MR. REED: That's correct.

19 MR. DENNER: You didn't make a point

20 there, did you?

21 MR. KEMPER: I think it's important we

22 keep prospective.

23 MR. ELLIS: I'd like to make a point to

24 Ron's comment. I've been following the Fort Irwin

25 issue for quite a while. What it has led me into

1 is reading Tom Clancy.

2 Tom Clancy, as many of you know, has  
3 written a lot of military books. One of the ones  
4 that's very interesting I read last month is  
5 called Into the Storm. It's a book that he wrote  
6 analyzing a general's actions who was commanding a  
7 corps in the Gulf War.

8 He was commanding a tank -- well, I guess  
9 several divisions of tanks. You know, a big chunk  
10 of the war. It was quite revealing to me thinking  
11 about what they did in 1990, and Fort Irwin  
12 prepared them perfectly. They were able to move  
13 through the Iraqi troops without a lot of  
14 difficulty because they were so well prepared by  
15 Fort Irwin at that time.

16 The other thing that was very clear,  
17 though, was that was 10 or 11 years ago and that  
18 things have really changed now. Even I can see  
19 well, obviously, it wouldn't have been done that  
20 way now. They would have GIS. All those tanks  
21 now are tied into those control systems that work  
22 differently.

23 So what we have not seen from the army is  
24 how does Fort Irwin play into their new strategy  
25 for upgrading their tanks, for revising their



1 doctrine, for figuring out how they're going to  
2 fight perhaps only one strategic war as opposed to  
3 two, how they're going to fit into base size.

4           The army has not answered those questions  
5 with respect to Fort Irwin, and many people are  
6 asking that too. So I don't think it's just well,  
7 we should all stand up when they say. We need to  
8 ask questions.

9           MR. KEMPER: And you believe they should  
10 be asking the environmental community for that?

11           MR. ELLIS: I believe they should do a  
12 public study.

13           MR. BETTERLY: Did you serve in World  
14 War II?

15           MR. ELLIS: No. I wasn't old enough.

16           MR. REDDY: I was the only one on the  
17 council that was here when we had these meetings  
18 back in '97. I'm the only one remaining. This  
19 isn't exactly what we recommended. I am pleased  
20 to hear that in the history, though, that BLM  
21 recommended what -- if you had seen what the army  
22 was asking for in the first place, you would have  
23 gagged. It was going across Highway 127. The  
24 recommended alternative was the real problem.

25           This is not as bad as what they were

1 originally recommending. It's a lot better. The  
2 area to the east, the East Gate area specifically,  
3 is not good for our industry because the most  
4 heavily mineralized area was to the east.

5 But the thing of it is, it's going to  
6 affect every interest group. I don't care if it's  
7 mining, off-road people, any recreation. This is  
8 a significant problem here.

9 This is one case during when we had these  
10 debates the last time, all the groups actually got  
11 together very well including the environmental  
12 community, because it affects all of us when the  
13 army takes this many acres.

14 The problem is this is one government  
15 agency, and we were looking at it in terms of this  
16 is just the government. I don't care if it's the  
17 defense or BLM. It's you against us.

18 The rest of the groups here were looking  
19 at it as if one government agency was transferring  
20 a significant amount of acres of an  
21 environmentally-sensitive area to a different  
22 branch of the government, thus as you just  
23 expressed in there, making it extremely difficult  
24 for the west Mojave plan to come up with a viable  
25 alternative.

1           The mitigation here is going to be BLM is  
2 giving some acres. I guess it's out of our hands  
3 now. It's too far gone. Many of the groups are  
4 still fighting it, but it's pretty late in the  
5 game for us to fight it anymore.

6           But for every acre that one branch of  
7 government is giving another branch of government,  
8 everybody in this room is probably going to lose  
9 10 more. It doesn't matter if you're a mining  
10 interest.

11           The power line utilities were protected  
12 at least. In the original plan, they were going  
13 to be shooting across the power lines besides  
14 shooting across 127. It was rather interesting  
15 what the army wanted originally. But at least the  
16 power line corridor is protected.

17           Now it will be more difficult to get new  
18 power line corridors. It's going to be extremely  
19 difficult for OHV people to get any more area.  
20 They're probably going to lose a lot of what  
21 they've got because of this expansion.

22           And of course, in the mining industry,  
23 we're going to lose an awful lot because we're  
24 both losing area that is mineralized. I can't  
25 remember exactly whether everybody already had

1 claims. I believe some of these were there. But  
2 we're going to lose other areas.

3           So while I appreciate that what we're  
4 trying to do is protect our sons and daughters, in  
5 the meantime, it just took more than a pound of  
6 flesh out of every one of our sides by this  
7 occurring.

8           MR. DENNER: Good point, Jim. Thank  
9 you.

10           Anybody else? Okay. Mr. Salt has a word  
11 or two.

12           MR. SALT: Actually, Jim covered most of  
13 the things that I was going to say.

14           MR. DENNER: Okay. Mr. Salt doesn't have  
15 a word or two. I still have four slips. I'm just  
16 going to quickly read the names. If anybody is in  
17 the game to talk to this issue, please step  
18 forward. Vicki Warren, David Matthews,  
19 Pat Flanagan and Gary Wiers.

20           MS. WARREN: I just have a quick  
21 question. It looked to me on the smaller version  
22 of the map on the table that this was expanding  
23 into a wilderness area. Is that right?

24           MR. REED: Wilderness study area.

25           MS. WARREN: Wilderness study area. And

1 where will that be? I understand that it's going  
2 to be relocated into an OHV area.

3 MR. DENNER: No. That is not necessarily  
4 true. What I said this morning was that one of  
5 the proposals is that the mitigation for this  
6 expansion involves a possibility of translocating  
7 the tortoises to another area. And they've  
8 identified, I think, eight or nine areas, two of  
9 which are possibly Stoddard Valley or Johnson  
10 Valley.

11 MS. WARREN: We ride in Johnson Valley.  
12 Is this a done deal? Is it right that this is  
13 finished? That's it?

14 MR. REED: Do you want me to talk now?

15 MS. WARREN: Please.

16 MR. REED: The blue ribbon report is  
17 where this relocation stuff came from. The Fish  
18 and Wildlife Service did their preliminary review  
19 as was required in the legislation.

20 The expansion plan that you all have in  
21 front of you has nothing about relocation. That's  
22 very tricky. It's not anything that's being  
23 looked at that seriously any more as I'm aware  
24 of.

25 In terms of the wilderness study areas,

1 the California Desert Protection Act of 1994  
2 created those, and they did it in such a way as to  
3 preserve some options for the Fort Irwin  
4 expansion, as I understand it.

5 So in terms of additional acres of the  
6 wilderness needed to be designated because these  
7 might go to Fort Irwin, that's not the way it  
8 would work.

9 MR. DENNER: Tim, I have to question that  
10 because the report that was given to us as a  
11 result of this so-called blue ribbon study made  
12 several suggestions as to mitigation.

13 There will be mitigation required; isn't  
14 that true?

15 MR. REED: Yes. That's what the  
16 \$75 million that's been -- it has not been  
17 appropriated. It's been offered.

18 MR. DENNER: That's the dollars. But the  
19 dollars are going to be used to provide some  
20 physical mitigation for the impact of this  
21 expansion.

22 MR. REED: Most of that, as I understand  
23 it, has been looked at in terms of the acquisition  
24 of private property within the tortoise areas to  
25 the southwest of the fort, out in the

1 Kramer/Superior (phonetic) area.

2 MR. DENNER: Are you saying that one of  
3 the possible suggestions that came from that  
4 committee being to translocate the tortoises from  
5 that area to another area is no longer being  
6 considered?

7 MR. REED: No. What I'm saying is that  
8 that blue ribbon panel is the one that identified  
9 that. As you'll recall, there were a couple of  
10 members of that panel that didn't sign that  
11 report.

12 Now, in terms of what the Fish and  
13 Wildlife Service has prepared in terms of their  
14 preliminary review, that has been incorporated in  
15 this expansion plan that you have in front of  
16 you. So that's what's being discussed at this  
17 point.

18 Now, in terms of future things, I think  
19 that's part of what the west Mojave is going to  
20 do, how we can best recover the tortoise within  
21 the west Mojave planning area. Those are all on  
22 the table. I'm not saying -- they're not off the  
23 table.

24 MR. DENNER: Okay. So the possibility of  
25 translocating the tortoises to another area, one

1 of which could be an OHV area, is still on the  
2 table?

3 MR. REED: My understanding is that the  
4 translocation is not that viable of an  
5 opportunity. The animals that are translocated  
6 don't necessary make it. So they want to look at  
7 all of the options. It's still on the table.

8 MR. DENNER: That's all I wanted to know,  
9 that it's still a possibility, it's still on the  
10 table. The actual mitigation has not been  
11 decided?

12 MR. REED: That is correct.

13 MR. DENNER: That's all I want. So it is  
14 still a possibility.

15 MR. ELLIS: Roy? That's part of the  
16 possible mitigations. I don't think those would  
17 be determined for approximately two years or a  
18 year and a half until the final, you know, studies  
19 are done. So here it is a law that would withdraw  
20 the land from use. We wouldn't find out for two  
21 years what the fallout and what land use fallout  
22 of this legislation is going to be.

23 MR. DENNER: I understand that. I just  
24 wanted to make that clear.

25 MR. ELLIS: It is in congress now. They



1 haven't passed anything. There is an opportunity  
2 for individuals -- in fact, I suppose this group  
3 if it wanted -- to make another resolution to put  
4 their voice in.

5           It's on one of these appropriation riders  
6 or appropriation bills. So it's likely to pass by  
7 the end of September. But alterations probably  
8 can be made if people make their voices known.

9           MR. DENNER: Okay. Thank you.

10          Vicki, do you have a quick comment?

11          MS. WARREN: Only that if this becomes an  
12 issue (inaudible) WEMO. If it's resolved it will  
13 be resolved through that; right?

14          MR. DENNER: I'd have to defer to I guess  
15 Mr. Salt on that. I don't think that the  
16 expansion of Fort Irwin and its subsequent  
17 mitigation is going to be part of WEMO.

18          MR. SALT: It will be part of WEMO.

19          MR. DENNER: It will be? Okay.

20          MR. SALT: The overriding pull of the  
21 west Mojave plan is to determine how we can manage  
22 the public lands and private lands because like  
23 the Coachella plan deals with private land as well  
24 in such a way to ensure the recovery of the desert  
25 tortoise. Since we're removing 100,000 or 60,000

1 acres from the desert tortoise habitat, we have to  
2 factor recovery in the west Mojave plan less that  
3 60,000 acres.

4 MS. WARREN: Okay. When do we get WEMO?  
5 When do we get to have comments on WEMO?

6 MR. SALT: The draft is due out in the  
7 spring.

8 MS. WARREN: The scoping meetings are  
9 going on now?

10 MR. SALT: The scoping meetings have  
11 taken place previously. The super group and the  
12 steering committee and the 28 different agencies  
13 that are involved in it meet on a regular basis  
14 and most of those meetings are open to anyone who  
15 wants to participate.

16 MS. WARREN: Okay. Thank you.

17 MR. DENNER: Jim Reddy, I hope we can say  
18 that that pretty much confirms your concerns that  
19 the fallout from the Fort Irwin expansion will  
20 indeed impact the land management plan for WEMO,  
21 and it will indeed require a mitigation. And it  
22 could take lands away from all the other users.

23 MR. REDDY: That's exactly the point I  
24 was trying to make. By removing these acres,  
25 basically the mitigation will be a pound of flesh

1 from each of our other interests.

2 MR. DENNER: Paige, you wanted to speak  
3 on this issue?

4 PAIGE: My question was just answered  
5 about mitigation.

6 MR. DENNER: Okay. I think we're ready  
7 to move on. Molly is going to tell us about the  
8 Cadiz water project in just a few minutes. I hope  
9 it's not like Tim Reed's few minutes.

10 MS. BRADY: Molly Brady, field manager.  
11 The good news is that I have very little to  
12 report. Although we anticipated that the final  
13 EIS/EIR for the Cadiz Groundwater Storage &  
14 Dry-Year Supply Project and a proposed plan  
15 amendment would be available for review --  
16 actually, a month ago we were projecting it would  
17 be available -- it did not get completed and we  
18 are undergoing negotiations right now.

19 I think yesterday at 3 p.m. was the last  
20 meeting between Mike Pool, Ron (inaudible) who is  
21 the CEO of Metropolitan and John Reynolds, who is  
22 the regional director of the Park Service and  
23 Mike Shulters (phonetic) who is the state director  
24 or state director equivalent of the USGS. The  
25 Park Service and USGS are cooperators. They have

1 their last meeting today to work out some  
2 details.

3           So the good news is that I won't be  
4 taking a lot of time this evening. Of course, the  
5 bad news is about in four weeks, you're going to  
6 be getting about four volumes of a document that  
7 will set forth the final EIS/EIR. So that will be  
8 on your plate to review.

9           I would like you to focus when you get  
10 that, first of all, that the major impact in terms  
11 of permitting will be the pipeline proposed  
12 preferred alternative does cross BLM. It involves  
13 a plan amendment. Our preferred alternative is  
14 that we go forward with the proposed amendment  
15 which grants an exception to the pipeline element  
16 of the CDCA plan.

17           We didn't look at that alternative of  
18 keeping it within pipeline corridors. That took  
19 us through about 60 miles of desert tortoise  
20 habitat and it had much more extensive impacts.  
21 So our preferred is to take what we call the  
22 eastern alternative.

23           The other concerns, of course, were the  
24 indirect and concerns that were also expressed by  
25 the Natural Park Service of the impacts of the

1 potentially withdraw of indigenous water for this  
2 project. That is the major issues.

3           We've defined and identified a monitoring  
4 and management plan, which I believe has been  
5 called the most progressive of its kind in the  
6 nation for this kind of a project. And in that  
7 plan, the BLM has the final say on ensuring that  
8 there are no impacts to critical resources.

9           It's a monitoring and management plan in  
10 which you have certain thresholds or triggers that  
11 then triggers action to look and prevent or avoid  
12 any future impact. It gives us a great deal of  
13 influence on how that project operates.

14           So I encourage you to look at Volume 4  
15 which has that monitoring management plan which  
16 primarily addresses those issues.

17           Any questions? Again, at the end of  
18 September, we anticipate it will be released for  
19 you.

20           MR. DENNER: That's got to be a record,  
21 Molly, for the shortest discussion that you've  
22 ever offered us.

23           Any questions for council?

24           MR. SMITH: Just a quick question.

25 There's been a lot of internet excitable activity

1 against this project which would imply that  
2 something like 25 to 30 springs in the surrounding  
3 mountains would be seriously affected.

4 Can you give us a little sense for how  
5 that's being dealt with as we start to review  
6 these documents by way of background?

7 MS. BRADY: There are 28 known wells,  
8 known springs, that we've identified. We're going  
9 to also do some additional surveys to determine if  
10 there are other springs that potentially could be  
11 impacted. The closest spring is Bonanza Spring,  
12 which is a spring on public land. That's about --  
13 Leslie, how far away is Bonanza Springs? Eight  
14 miles?

15 LESLIE: No. It's got to be --

16 MR. ELLIS: It's about 15.

17 MS. BRADY: It's quite a ways away. In  
18 any case, the 28 springs were the ones we're  
19 focusing on. We will have a series of monitoring  
20 wells which we will monitor the levels of the  
21 water drop and what the intent is.

22 If they're between the area and the  
23 wells, and if there's any drop in there, then we  
24 will do predicted modeling to determine if there  
25 will be any impact in the springs.

1           We're also determining as part of the  
2 analysis and ongoing study and monitoring as to  
3 whether or not there is any hydrological  
4 connection between the springs and the aquifer.  
5 At this time, it's not known. It's anticipated  
6 there may not be, but of course, there's a lot of  
7 concern.

8           Like you said, there's a lot of internet  
9 activity. The internet really changed the way we  
10 do business. There's internet activity on all our  
11 issues. You just look for them and you'll find  
12 them.

13           MR. SALT: I think the generalized  
14 response to the question is the purpose of the  
15 monitoring of the management plan is to identify  
16 impacts before they happen, like she said, to give  
17 us an indicator of if it looks like something  
18 might happen so that we can step back and assess  
19 the situation and see if we need to make changes  
20 before actual impacts happen.

21           MR. SMITH: And that plan that's being  
22 developed, it strikes me as very unique that it's  
23 being developed by all four of these agencies, the  
24 Part Service, USGS, BLM.

25           MS. BRADY: The county is also involved

1 in the development of that. Metropolitan and  
2 (inaudible), all of us were involved in the  
3 development of that. Basically it was a team of  
4 specialist who did that. Now it does contain a  
5 component (inaudible) affect of the management of  
6 this program. That has been very, very  
7 controversial as to how it's managed.

8 MR. DENNER: Any other questions for  
9 Molly?

10 MR. ELLIS: Yeah. I think the tour that  
11 we had yesterday was very helpful for me anyway in  
12 seeing the ponding facilities and the ground water  
13 percolation in the Coachella Valley.

14 One of the justifications that  
15 Metropolitan Water District has always given for  
16 this project and it's potential impact on aquifer  
17 in the Mojave Desert here was that, "Oh, we need a  
18 place to store water in dry years."

19 They mentioned a number of other  
20 alternatives that they were looking at. One of  
21 which is a (inaudible) project. One indeed is  
22 storing water in the Coachella Valley.

23 Yesterday we talked to the manager of the  
24 desert water authority, and he was a little bit  
25 mystified, it seemed to me, as to why MWD hasn't



1 pursued him a little bit more because he has  
2 plenty of room to store water in this aquifer.  
3           It's only two miles to put in a pump and  
4 get over to the aqueduct if indeed they want to  
5 take water and take it out after they store it  
6 rather than do exchanges.  
7           Environmental groups are also active on  
8 this issue. We're going to be asking Mr. Costello  
9 why indeed the Metropolitan Water District wants  
10 to spend \$75 million to \$100 million or more on a  
11 35 mile pipeline across the desert to water which  
12 may or may not exist. If he wants to store water,  
13 which he now says is the main reason for the  
14 project, then let's suggest that he look at this  
15 possibility in Coachella Valley.  
16           This is going to be a contentious issue.  
17 There is still some unresolved stuff. It's true  
18 that BLM and the agencies have done their best to  
19 come up with a monitoring plan on the assumption  
20 that somehow this right-of-way will go through,  
21 even though it has not been determined. There's  
22 very much surplus water available. So stay  
23 tuned.  
24           MR. DENNER: Anybody else with comments  
25 on this issue?

1           MR. RISTER: Just an observation. It's  
2 been Imperial County's position in dealing with  
3 the Metropolitan Water Company that they tend to  
4 attack the harder projects first, knowing that  
5 they already have a contractual relationship with  
6 the Coachella Valley. If they can get Cadiz, they  
7 know they can also get Coachella so that in  
8 excessive surplus years, they'll have several  
9 places to store water.

10           MS. BRADY: Actually, they've been very  
11 up-front about it. Those were not alternatives.  
12 They were different options, and they would select  
13 as many as they could that were feasible.

14           MR. RISTER: And they are the 500 pound  
15 gorilla that will probably get their way with the  
16 water from the Colorado River.

17           MR. DENNER: Okay. Any of the people  
18 that have these cards are wanting to speak to this  
19 issue?

20           Thank you, Molly. We have to pick up  
21 where we left off with Roxie, I think.

22           Roxie, you were in the process of -- I  
23 think Vicki had another question for you or was  
24 she through? In the meantime, anybody else on  
25 these cards to talk to Roxie? You're on. Finish

1 what you were doing.

2 MS. WARREN: Can somebody else talk that  
3 you have because I dropped my notes.

4 MR. DENNER: Okay. I have Gary Wiers,  
5 Pat Flanagan and David Matthews. Were any of  
6 these people waiting to speak on the Imperial Sand  
7 Dunes issue?

8 MR. WIERS: Imperial Sand Dunes. I'm  
9 Gary.

10 MR. DENNER: Go ahead. Roxie is  
11 available to answer all of your questions.

12 MR. WIERS: Actually, I'm not going to  
13 ask questions. I defer some to Randy's statements  
14 because I've been a duner for 40 years. I used to  
15 dune on the north side, and of course, I was at  
16 the meetings. I go from memory now because I  
17 think I was there between 1973 and 1976, trying to  
18 deal with BLM and make them keep the dunes open at  
19 that time.

20 Of course our position to start with was  
21 keep it all open, naturally because we wanted it  
22 all because we used to use it. But we did say,  
23 "Okay. This is what we'll do. If you guys want  
24 to take the north side, great. Give us the south  
25 side."

1           As the man said, that's kind of what the  
2 condition was, that we can to keep that south  
3 side. Then all of a sudden after 40 years of  
4 duning, we're looking around and here we are  
5 facing this issue again.

6           I think the first time it involved the  
7 lizard and I'm not sure what else. It's  
8 interesting to me to know -- of course, I didn't  
9 keep any records because I didn't have an issue  
10 whether there are any records that are still  
11 around from those meetings. It might indicate  
12 that they said they would stay away from the south  
13 side. Just an issue I wondered about.

14           The other things is that some of our  
15 members, of course, couldn't stay for the whole  
16 session here but some did. They work for a living  
17 and have families and work for a living and so  
18 forth and so on.

19           When we see the roots extended far out  
20 from the surface of the sand, that's not caused by  
21 dune buggies or off-road vehicles. That's caused  
22 by the shifting sand dunes caused by the wind.

23           We also know that none of that exist  
24 right now. But yet, you know, the option to try  
25 and close our dunes because of this endangered --

1 I would say (inaudible) but I think you call it  
2 something else now. It's something that we think  
3 is really not necessary, especially in light of  
4 all of the areas that we have actually surveyed  
5 and found many, many of these plants available.

6 So, you know, it goes back to the old  
7 story, when does the duner or when does the person  
8 get a break? I think John Stossel said it very  
9 well, "Give us a break, folks. Okay?"

10 MR. DENNER: Vicki, are you ready to  
11 finish yours?

12 MS. WARREN: Actually, I covered it  
13 earlier.

14 MR. DENNER: Okay. Great. Pat Flanagan  
15 and David Matthews. Was it for the Imperial Sand  
16 Dunes or general discussion?

17 MS. TROST: I just have a comment to make  
18 with regard to that.

19 MR. DENNER: Sure. Sure.

20 MS. TROST: With regard to your comment  
21 about some of the deals you felt were made with  
22 the north Algodones Dunes, there is some  
23 institutional knowledge out there.

24 As part of our planning process, there  
25 will be a section in the plan that will have a

1 brief discussion on some of the legislative things  
2 that have occurred in the past with reference to  
3 that. So just to let you know.

4 MR. WIERS: When will that be?

5 MS. TROST: That will be all in the plan  
6 itself.

7 MR. DENNER: Thank you, Roxie.

8 Okay. Then we'll go to the second public  
9 discussion, Pat Flanagan.

10 MS. FLANAGAN: Hi. My name is  
11 Pat Flanagan. Just as a point of background, I'm  
12 trained as a biologist. I've had a number of  
13 years of experience working not directly with  
14 bighorn sheep but following since the 70s. I  
15 spent five years working in the area that some are  
16 on in the Rocky Mountains.

17 So I was alerted when Harriet made her  
18 comments. I since got ahold from -- Jim gave a  
19 copy of this plan. I can see where Harriet would  
20 have been extremely disturbed because this really  
21 deserved somebody to come and talk to the group  
22 about it because it's a plan in which they're  
23 dealing with 30 percent -- they're going to be  
24 trapping 30 percent of the known population of  
25 California Bighorn Sheep, the desert bighorn

1 sheep, and that population is not sustainable at  
2 this time.

3           The dates on when you have the closing  
4 comments were September 27, and they start the  
5 project I think this week or soon. So that's a  
6 very alarming constriction.

7           However, having now read this whole  
8 thing, I don't see any way around but to do it the  
9 way that they have suggested that it be done.  
10 That's because the numbers are so low, the plan  
11 has been thought out pretty carefully by the --  
12 I'm sure very carefully by the recovery groups.

13           They know what they're doing. So they're  
14 assuming that if they do this project over a  
15 period of two years, that it will decrease in the  
16 future the kind of handling that they're doing  
17 now. That makes some sense to me, and I think  
18 they know how to handle the sheep.

19           What I think did not happen well was  
20 handling the people in dealing with the project.  
21 If you were to turn down the project or recommend  
22 against it, it still could happen.

23           That's another thing. There's no time to  
24 think about this. It's happening. They're going  
25 to do it. The BLM will either be a part of it or

1 BLM will not be a part of it, if I understand it  
2 correctly. It's a landscape-wide look. So to  
3 take out 28 percent of the landscape will decrease  
4 the value of the study on down the line.

5           So my comments are gosh, I don't know  
6 that there's much of a way around this, and it's  
7 too bad that there wasn't a better and more  
8 thorough presentation by those people who put it  
9 together because there's a lot of background that  
10 could have been given to people to make it less  
11 scary, and that they do know more about what  
12 they're doing than they initially appeared.  
13 That's it.

14           MR. DENNER: Thank you.

15           David Matthews?

16           I'm sorry. Did you have a comment,  
17 Randy?

18           MR. RISTER: Well, I also have read the  
19 report. I think Pat's comments are somewhat true  
20 that something has to be done. We've watched a  
21 decade and a half go by with very little being  
22 done which got us into this shape with the  
23 mortality of the bighorn sheep.

24           I just don't think it goes far enough.  
25 In working with (inaudible) and Steve Torres and



1 various other people that have studied the bighorn  
2 sheep problems in the Rocky Mountains as well as  
3 the Nelson Bighorn Sheep and the Peninsula Bighorn  
4 Sheep, previous studies have shown that the DNA on  
5 the Anza Borrego Bighorn Sheep is similar if not  
6 equal in DNA in the (inaudible) Bighorn Sheep in  
7 the San Bernardino mountains or in Mexico that  
8 historically migrated and brought genetic  
9 diversity before Interstate 10 or Interstate 8  
10 were built, the sheep cross.

11           The problems that we addressed 10 or  
12 12 years ago to Anza Borrego is that they needed  
13 to get that genetic diversity started. And the  
14 only effective way then and now is still with  
15 helicopter net catching of rams and ewes,  
16 introducing those into that population and getting  
17 that genetic diversity started again.

18           It's shown that the inbreeding that's  
19 occurring now in these small pockets of remaining  
20 sheep are causing genetic defects to occur to the  
21 lambs. Now 80 percent of the lambs die within the  
22 first six months of a viral pneumonia from this  
23 genetic defect. The 20 percent that survive the  
24 first year are eaten by mountain lions.

25           The water sources at Anza Borrego since

1 this wilderness mentality are not being  
2 maintained. Natural tenajas (phonetic) and  
3 springs are overgrown with salt cedars, they're  
4 filled up with boulders. Anza Borrego uses a  
5 concept of minimum tools for maintenance.

6 Well, you're not going to get volunteers  
7 in the sheep program who are already overloaded  
8 with other projects to go in with picks and  
9 shovels and clean out 10 and 15 ton boulders. The  
10 way we do it in the rest of the desert is we use  
11 backhoes, jackhammers and in some cases  
12 explosives, and we clean out those tenajas.

13 What happens on a rock tenaja is over  
14 time, runoff down these washes polishes out these  
15 boulders. Small rainy events fill them up with  
16 sand and gravel and boulders. Big events flush  
17 them out. Well, we haven't had big events since  
18 hurricane Catherine and Dorreen in '76 and '77  
19 back-to-back, those two hundred-year storm  
20 events.

21 So water sources have degraded. They  
22 haven't been allowed to restore and maintain  
23 them. So you have very few water sources left.

24 Like Coyote Creek, for example. Coyote  
25 Creek is overrun by 40 feral horses. Nothing is

1 being done to capture any of those horses.

2           There's 18 mountain lions that are eating

3 all the sheep at Anza Borrego. They know from the

4 scat and from following these mountain lions which

5 ones have learned to feed on the sheep. The

6 mountain lion laws prevent moving those mountain

7 lions. You have a coyote problem also.

8           So you have a depredation problem that

9 can be handled by predator control. You have a

10 horse problem that can be handled. You have a

11 water source problem that can be handled. And you

12 have a way of bringing in new genetic diversity

13 which is being ignored.

14           So as far as this plan goes, you know, I

15 don't see that it's bad. It just doesn't go far

16 enough. This isn't going to restore that bighorn

17 sheep population because it doesn't go far enough.

18           MR. SALT: I wish Jim were still here

19 because Jim tried to clarify with Harriet. Oh,

20 Jim still is here? Okay. I'll let Jim handle it.

21           MR. KENNA: I think you've hit on the

22 problems that are critical to sheep recovery. I

23 think we would agree with much of what you said.

24 The purpose of this particular document is limited

25 to that one thing, to the research slice of

1 stuff.

2 But we also agree that there are water  
3 issues to be addressed. And there has been some  
4 discussion about some limitation, which I think is  
5 the genetic issue you're talking about.

6 In fact, I think part of the way that  
7 this particular project is designed is intended  
8 supplement on the San Jacinto herd. So those  
9 three things I hope answered your question.

10 MR. RISTER: But Jim, aren't they just  
11 basically taking captured ewes and going to do a  
12 captive breeding program and then try to  
13 reintroduce those lambs back into the population?

14 MR. KENNA: I believe they're actually  
15 doing some direct supplementation on the San  
16 Jacinto herd.

17 MR. RISTER: How about the San Bernardino  
18 herd or some other herd?

19 MR. KENNA: Out of another portion of the  
20 range, yes. Out of another portion of the  
21 Peninsula range.

22 MR. RISTER: I didn't see that report.  
23 I'm sorry.

24 MR. DENNER: Okay. Mr. Matthews, you're  
25 up.

1                   MR. MATTHEWS: Dave Matthews from  
2   Ridgecrest. It's been a long two days, very  
3   informative also. A number of the people that  
4   were on the tour yesterday from the council talked  
5   about some of the stops we made, but I was a  
6   little bit taken back that nobody seemed to  
7   mention the program, the educational program,  
8   that's been going on up at the Big Morongo Canyon  
9   Reserve.

10                  I was quite impressed with that. It  
11   looks like it's well-managed and probably doing a  
12   good job. It kind of goes along with the comment  
13   that I made at the last DAC meeting, and that is  
14   to solve some of these problems, I think we need  
15   better education.

16                  My only concern with this program here is  
17   that some of the students that come in there and  
18   get that information may not be OHV enthusiasts.

19                  So I would suggest to the OHV community  
20   that they do likewise. In some of your areas,  
21   take a mentoring program or something like that.  
22   Get a mentoring program started with some of these  
23   younger people and, you know, show them how to act  
24   and react in these areas.

25                  One of the other stops we made yesterday

1 which I was quite impressed with and certainly  
2 glad I came along because I would never get in  
3 there otherwise was at the wind farm facilities.

4           During that stop, there was some  
5 discussion about the aesthetics of these wind  
6 farms that have been raised. They showed us  
7 yesterday that they have certainly improved in  
8 that area.

9           I have been an engineer in my background,  
10 and I look at these wind farms as a monument to  
11 the engineering and ingenuity in this country. I  
12 see no problem with those things out there, as  
13 long as they're producing power that I can use.

14           Let's see here. Somebody else mentioned  
15 closing of the ranches, the OX Ranch or something  
16 like that, and that in conjunction with that, that  
17 Park Service or somebody was considering removal  
18 of the infrastructure.

19           Well, I strongly object to the removal of  
20 that infrastructure because what that is doing, in  
21 my view, is altering the history of this land.  
22 And essentially you're ending up lying to the  
23 future generations. That evidence won't be there  
24 in the future. I think there was some other stuff  
25 mentioned about cultural. I think that structure

1 should be left there as a piece of history.

2 I'm on the steering committee for the  
3 Ridgecrest field office. They got in there in  
4 some of the old abandoned mine sites and cleaned  
5 them up. There were people from L.A. that came up  
6 there and voiced objections to this also because  
7 they view that situation the same as I do. It's a  
8 piece of history. Leave it.

9 There is one area where they have  
10 actively tried to restore it. It's actually the  
11 adopt-a-cabin program which they have going up  
12 there. It's rather remote and it's not  
13 available -- it's not inaccessible, but it's not  
14 as accessible as some of the other sites that were  
15 cleaned up were.

16 All the endangered species -- I think I  
17 mentioned this maybe at the last DAC meeting. I  
18 think we have a new tool at our disposal these  
19 days which I wish the BLM biologists and everybody  
20 involved was looking at these endangered species  
21 would start considering. That is genetic  
22 engineering.

23 I hear about gene deficiencies for the  
24 bighorn. There's evidence maybe there are some  
25 problems in the tortoise habitat with intolerance

1 to certain things. Maybe we can start looking for  
2 causes and start proposing solutions with other  
3 tools.

4 I don't know. It's been a long day.  
5 You're tired of me talking.

6 MR. DENNER: Thank you for your  
7 comments.

8 Do any of the council members wish to  
9 make a concluding statement here?

10 MR. KEMPER: I have something.

11 MS. WARREN: Can I ask a few questions?

12 MR. DENNER: Yeah. Go ahead.

13 MS. WARREN: The first one I just wanted  
14 to mention about that the OHV community should  
15 educate, we are educating at the super sports sand  
16 show. We're debuting a (inaudible) survival kit.  
17 So we are educating the public. We're educating  
18 our young.

19 Actually, we all have our families out  
20 there. So they learn by us being responsible.  
21 But we are very active in the community and very  
22 active in educating others. We're open to any  
23 suggestions.

24 Actually, we're looking into a program  
25 that even visits schools. So to answer that



1 question, that takes care of it.

2 I have a question for Roxie. I'm a  
3 little concerned. You had mentioned that the  
4 management plan was going to include the  
5 discussion about the Highway 78 and the wilderness  
6 area. Then earlier when I asked if there was a  
7 draft, you said there was no draft.

8 MS. TROST: There isn't.

9 MS. WARREN: Do we know if it's going to  
10 include closures?

11 MS. TROST: We don't know that. Vicki,  
12 that would be all part of identifying the issues.  
13 And then we'll get into the alternative  
14 development.

15 MS. WARREN: I'm just concerned with some  
16 (inaudible).

17 MS. TROST: Well, we're trying to include  
18 among internal meetings what we want to include in  
19 the plan. That's one of the things that we  
20 identified as important as to the management  
21 plan. There is no draft, honest.

22 MS. WARREN: If it's stuck in my head,  
23 it's stuck in my head forever.

24 I have a question for the DAC committee.  
25 If we have certain DAC members that we want to see

1 continue on the committee and we know they're  
2 coming up for reappointment, what is our best  
3 way -- can you tell me our best way to make sure  
4 that that happens, that we have the representative  
5 that we want? I have petitions already going  
6 around. I have hundreds of signatures. I'll have  
7 thousands of signatures. Is that good enough?

8 MR. SALT: Yes.

9 MS. WARREN: Okay. Let me see. I had  
10 some scary figures dropped on my desk the other  
11 day. It's just something to think about when  
12 you're considering all of these protection areas.

13 It might not be you, Roy. You don't know  
14 that.

15 At this point in time 43 million acres in  
16 California are protected from the public. That's  
17 43 million acres of all of California, including  
18 cities.

19 That's 36.3 percent of California is  
20 closed off to the public to protect -- 70 percent  
21 that's going to be in the Coachella Valley -- to  
22 protect the land from us and from our children.  
23 It's just something to think about when you're  
24 considering all your decisions.

25 The only other thing I want people to

1 think about when you're considering your  
2 decisions, there is such a thing as a selective  
3 process and a natural selection in nature. There  
4 is such a thing as people becoming too overzealous  
5 in their protection of these things. If there  
6 wasn't a natural selection, we'd still have  
7 dinosaurs as pets instead of dogs. That's it.

8 MR. DENNER: Can you make it real fast?  
9 It's 6:00. It's way past my cocktail hour.

10 MR. TAYLOR: This will be less than  
11 30 seconds. My name is Jeff Taylor. I've seen  
12 some internet e-mail and heard of other  
13 information that Mr. Denner's reappointment to  
14 this council will be blocked due to personal  
15 considerations.

16 Personally, I find that very offensive  
17 that a federal bureaucrat, due to personal  
18 reasons, would block my choice of who is going to  
19 represent me.

20 MR. SALT: I'm glad you brought that up  
21 because I find the e-mails personally offensive as  
22 well. We are in an open nomination process. I  
23 don't even make the selection. The Secretary of  
24 Interior makes the selection. I find these  
25 e-mails personally offensive myself.

1           It's an open nomination process. When  
2 the nominations come in, they will be evaluated on  
3 the various grounds. I think it would be unfair  
4 to Roy and other nominees for me at this point in  
5 time to suggest who is going to be selected for  
6 the council.

7           I am in no way implying that Roy is not  
8 going to be selected. I am in no way implying  
9 that anybody else is being selected. It's an open  
10 process. I will make a recommendation. The  
11 secretary will make the decision.

12           MR. TAYLOR: I understand that, but I  
13 know speaking for myself, that as long as he's  
14 eligible, I think most people wearing shirts like  
15 me, as long as he's eligible, Mr. Roy Denner is  
16 the one that we want as our voice and our  
17 representation on this council. Thank you.

18           MR. DENNER: Okay. I'm prepared to  
19 entertain any closing remarks from council  
20 members.

21           MR. BETTERLEY: I have one,  
22 Mr. Chairman.

23           MR. DENNER: Go ahead, Bill.

24           MR. BETTERLEY: When we started this  
25 meeting this morning, we had a dissertation from

1 our walker that's on this. I'd like to tell Bob,  
2 seeing he's a hiker, San Bernardino County, that  
3 last boy that was lost that came out of  
4 Whitewater, spent a little over of \$200,000 in  
5 searching for him of taxpayers' money.

6 I'd like to ask Bob when he is with his  
7 hiking group to make sure that they don't go out  
8 alone, that they go out with somebody.

9 MR. DENNER: Mr. Kemper?

10 MR. KEMPER: A couple of things, and I'll  
11 make it very short because I know it's been a long  
12 day for everybody. I wanted to address the OX and  
13 the abandonment of those facilities. I wanted to  
14 give you a short history regarding those  
15 facilities and others like them.

16 When the Mojave got settled, most people  
17 camped on the water. The ranchers came along and  
18 developed springs and water. Not only did those  
19 springs and wells and pipelines serve the purpose  
20 of watering cattle, but they also served the  
21 purpose of watering wildlife. All sorts of  
22 wildlife.

23 There's nothing probably more enjoyable  
24 then getting there at the break of day and having  
25 bighorn sheep drinking out of one of your tanks or

1 deer or seeing literally hundreds of quail.

2           We went through literally a catastrophe  
3 here in the national monument. There were water  
4 systems set up there, and I think we lost over  
5 30 bighorn sheep. I believe that was the number.

6           MR. CASEBIER: At the Mojave National  
7 Preserve, it was like 47.

8           MR. KEMPER: Forty-seven bighorn sheep.  
9 These bighorn sheep are as important of a resource  
10 as any wildlife that we have. Every time we lose  
11 one of these desert ranches, we lose those  
12 watering sources that wildlife has been used to  
13 for over a hundred years watering them.

14           So that concerns me greatly. I really  
15 hope that the Bureau and the Park Service will  
16 take that into consideration as they acquire these  
17 ranches and want to abandon the facilities.

18           MR. CASEBIER: I'd like to make a little  
19 comment about the OX and what's happened out  
20 there. Without regard to what might happen to the  
21 infrastructure, and I'm very much in favor of  
22 saving the entire infrastructure and am involved  
23 in an effort to nominate the infrastructure as a  
24 national historical landscape.

25           But the water has already been shut off,

1 and we're seeing the effects of it. Like there's  
2 one big steel tank that still has water in it,  
3 but it's never really been accessible to  
4 wildlife.

5           The other day the bodies of seven red  
6 tail hawks showed up in that tank. So they were  
7 desperately up there trying to get a drink. At  
8 our place and elsewhere in the east Mojave,  
9 unprecedented numbers of quail were where we were  
10 providing water because the waters have been shut  
11 off in the valley. So that part is already done.

12           MR. KEMPER: What a shame.

13           MR. CASEBIER: I beg your pardon?

14           MR. KEMPER: What a shame.

15           MR. CASEBIER: It is a shame, but that  
16 part is done.

17           MR. DENNER: I'm supposed to allow  
18 Mr. Salt to do a summary before I close the  
19 meeting. But is there anybody else? I have a  
20 real quick one after Mr. Salt.

21           MR. SALT: How can I summarize it if  
22 you're not done?

23           MR. DENNER: I'll do mine first. I have  
24 a real quick request, and it may be the most  
25 important comment I've made all day. I'm not sure

1 which hat to wear so I'm going to do it this way.

2           If anybody has a pair of jumper cables in  
3 their car, I think I have a bad battery in my  
4 car. So if you would hang around for a few  
5 minutes after this, you might make my life a lot  
6 better for the rest of the evening.

7           AUDIENCE MEMBER: I do. We'll take care  
8 of you. I've got them.

9           MR. SALT: At the last council meeting we  
10 agreed to summarize all the action items from the  
11 meeting to make sure that nothing would be  
12 forgotten. I guess before I do that, I want to  
13 start with commending Roy for the job that he did  
14 at his first term in the chair today. While at  
15 6:00 it may not seem like things moved along, I  
16 think that things flowed along quite well given  
17 the circumstances.

18           The action items, the next DAC meeting  
19 will be March 8th and 9th. I'm sorry. The next  
20 DAC meeting after the December DAC meeting will be  
21 March 8th and 9th in Victorville with west Mojave  
22 as the primary topic.

23           Vicki Warren will submit the comments  
24 relative to the Bakersfield meeting, and they will  
25 be addressed and discussed at the next advisory



1 council meeting.

2 MS. WARREN: It was the Riverside  
3 meeting. It was the Riverside meeting, not  
4 Bakersfield.

5 MR. SALT: I'm sorry. Riverside. I will  
6 get Vicki Jim Keeler's address to send questions  
7 relative to the OHV strategy. Tim Reed will get  
8 some road repair costs for OHV open areas.

9 The TRT for grazing was established, and  
10 Molly will be leading the efforts on when they  
11 will be meeting. Molly will also prepare a  
12 one-page statement of what the issue is relative  
13 to grazing. Ron, Bill, Paul, Ilene and Bob were  
14 appointed as members.

15 Any council member who has given their  
16 name to Doran will be sent a copy of the desert  
17 tortoise recovery plan. Vicki is going to submit  
18 some additional questions relative to desert  
19 tortoise that we'll forward to Dr. Berry for her  
20 response. These were the follow-up action items.

21 MR. DENNER: Any corrections or changes?  
22 With that, I guess we are officially adjourned.

23 (The meeting concluded at 6:04 p.m.)  
24 --oOo--  
25

1 REPORTER'S CERTIFICATE  
2 STATE OF CALIFORNIA )  
3 ) ss.  
4 COUNTY OF RIVERSIDE )  
5

6 I, Sonja Chernick, a Certified Shorthand  
7 Reporter within and for the State of California,  
8 hereby certify:

9 That the said public meeting, taken down by  
10 me in stenotype at the time and place therein  
11 stated, was thereafter reduced to typewritten by  
12 computer-aided transcription under my direction,  
13 and is an accurate transcription of the oral  
14 proceedings in this matter, to the best of my  
15 ability.

16 I further certify that I am not in any way  
17 interested in the event of this action and that I  
18 am not related to any of the parties thereto.

19 DATED THIS 7TH DAY OF OCTOBER 2001.  
20

21 Sonja Chernick, CSR No. 11504  
22  
23  
24  
25